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First Collected
By WILLIAM WEST of the Inner Temple ESQUIRE.

And ſince
Augmented with divers new Preſidents not formerly printed.

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Ingenii cibus Studium, ſingulis [illegible]

LONDON,
Printed by *Miles Flesher*.
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LONDON,
Printed by Miles Flesher
1647.

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Vale. Rotheramiæ, Maii Octavo.

Tui honoris studiosissimus

W. West.

The Table of the first part OF SYMBOLÆOGRAPHY.

Acquitances.

Of an Annuitie, Sectio 484
In discharge of an Annuity 500
By an Atturney. 502
By a Baylike. 486
Of the farme of a Benefice 487
For creation mony of an Earle 492
By a Deputy. 503
Of part of a debt. 491
Of recompence of dower. 450
Of exhibition mony. 485
Generall with a proviso 496
To save harmelesse. 501
For lands mortgaged. 483
Of a legacie. 469
Of money to repay another. 489
Due by Recognisance. 498
By an Obligee. 495
Of a rent, 486
Of a rent charge. 488
Speciall. 497
Of Tenthes. 494
Of a Vicar. 493

Administrations.

By the Archb. of Canterb. 652
By the Archbishop of York 653
Letters of Atturney to take administration. 545
Letters of Administration. 650

Advowsons.

Of a Deanrie of a Colledge. 333
In fee. 338
Grant thereof. 597
Of a Parsonage. 332
Of a Prebend in a Colledge 335
Of a Vicarage. 334 336

Annuities.

Acquitance thereof. 484 500
Bargaine and sale thereof 397
By a Bishop. 132
Pro Consilio & auxilio. 307 312
To daughters. 82
To begin after death. 310 311
In allowance of dower. 485
Upon condition to claime no dower. 309
Earle Marshall. 351
Grants thereof. 298, 301
With a penny, 303
Out of the Hamper, 378
Out of the lands. 320
For terme of life, 312

For Promotion of Marriage. 319
Saved harmles of Incumbrances. 150
As long as he shall be Parson. 308
For releasing. 322
For divine service. 318
Pro servitio, 309
To yonger sonnes. 82
Made by feoffor in use. 282
Warrant for payment thereof. 571

Apparance.

Before the M. Counsel. 204
In the Kings Bench. 207
In the Common Pleas, 209
Upon a Latitat. 202
Of Prats. 209
For the Peace, 888

Appropriation.

Of a Parsonage. 339

Assignment.

The Lesse shall not assigne 315
Of glebe and Tenths. 432
During minoritie. 454
Of Statutes. 456
Of a Ward. 455
For yeares. 453

Attournement.

Defined. 238

Indorsed. 382
With Liberte of seisin. 383
Of tenant for life. 383
By diverse tenants. 383
A deed of Attornement. 384
385

Bargaine and sale.

Of Annuitie. 397
Of Copyhold lands. 461
Defined. 393
Inrolled. 393
Of lands. 395
Of a Manor. 396
Of a Messuage. 400
Of a parsonage. 400
Of a Reversion. 398
399
Of Tymber. 404
In trust of uses. 484
Of a Wardship. 402
Of Wheat. 403
Of Wood. 405
406

See Alienations and Leases.

Bills.

To a Bishop. 102
With dates of payment, and a penaltie. 102
Defined. 100
Indented. 201
To Merchants. 102
For money lent. 101
By one to one. 101.102
without a penaltie. 101
To the Queene. 102
Renouncing Sanctuary and protection. 102
To a Sheriffe. 102
Forthingsome. 103
By three to three. 102
102
By two to two. 102
102
Of sale. 428

Certificate.

Of royall assent. 574
Of a statute. 605

For payment of subsidy money. 631

Conditions of Obligations. and Recognisances.

Defined. 110
To pay money at a certaine day 111
At two dayes. 112
To pay money and deliver wooll. 113
For the farme of kine, & redeliverie of them, or money 114
To redeliver the prior money 115
To pay money, or knowledge a statute staple. 116
To pay money by a day, or to yeeld to an arrest. 117
To pay money for a chain of gold upon descent of lands to his wife 118
To pay after eviction. 119
To pay money after returne from 120. 121 at his returne, Marriage, or death. 122. 123
To pay childrens parts. 124
To pay a rent. 125
To pay an Annuity, and not to sue a Replegiare, &c. 126
To pay money received unto a Prentice. 127
To deliver Figures. 112
To pill and sell wood, make and deliver Figures. 128
To deliver Corne. 130
Mast of Salmon. 131
Oyles. 132
Lead. 133
Suit, or to pay money. 134
Quite rent. 135
Corne. 136
127
Coles. 138
To carrie coles 139
To seale an obligation with a surcesse. 140
Because others leave an obligation. 141
To release &c. 142
To make a Jointure. 143
145
To make an estate. 144
For further assurance 146
For making of a lease. 147
To performe an exchange 148
To reenfeoffe. 149
To grant Annuity. 150
To surrender customary lands. 151
To make a Boat. 152
To make an estate of lands by fine. 153
To make reparations and fences. 154
To warrant wood, or any like thing. 155
To warrant the sale of a ship, 156
To enjoy lands quietly. 157
159
Peaceably to enjoy Corne or Grasse. 158
To suffer one to enjoy land recovered. 160
To save harmelesse. 164
That lands be discharged. 162
To defend the title of lands recovered, and to pay the costs therof. 163
To pay money for marriage 164
To bequeath goods to a wife 165
To get the assent of the court of wards, to let lands. 166
For the occupation of two Boats and certaine nets. 167
To purchase and sell. 168
Not to pursue an appeal. 169
Not to prosecute any action in Spirituall Court. 170
To performe covenants. 171
To performe an award. 172
To performe an award of lands, & to shew evidences. 173
That a Prentice shall not waste his masters goods. 174
For

For a ſervant or apprentice, 175
Not to diſanull a letter of Attorny to receive debts. 176
For Lands. 177
To performe a will 178. and ſave harmeleſſe the executors thereof. 179
Not to meddle with executorſhip. 180
Not to doe any act as executor without conſent of his coexecutor. 181
Not to ſell Lands unto the obligée for a ſum certaine 182
That a mans wife ſhall claim no dower, but releaſe upon requeſt. 183
That an eſtate is good, and that the wife ſhall claime no dower. 184
Not to be ſuretie. 185
Not to play at dice. 186
To pay money or ſave harmleſſe of a Recognizance. 187
To ſave harmleſſe of a bond 188
Of a bond for the peace. 189
To ſave harmleſſe a ſurety in the Guildhall. 190
To diſcharge his bailes in the Kings Bench. 191
To ſave his baile harmeles and render himſelfe priſoner if &c. 192
To ſave harmleſſe of covenãts for the ſale of woods. 196. of a Recogniſance. 194 of debts and legacies. 195 196. from ſuits in law. 197
To keepe the peace and appeare to the M. Councell 198
To keepe the peace, 196 and to be of good abearing. 200 202
For apparance in the Kings Bench and good abearing 201. in the Common place. 203
To give evidence againſt felons 204. at the Seſſions 205
To appeare at the next ſeſſions. 206
To appeare in the ſaid K. Bench for the peace, 207
For behaviour & not to reſort to the obligées houſe. 208
To appear on a Latitat. 210
To returne cattell replevied 211
That Pyrats ſhall appeare at next gaole delivery. 212
Of a Recogniſãce for brewing. 213. 214
Of an Alehouſe keéper. 215
To find meat, drink and other neceſſaries during life. 219. 220
To leave his wife worth &c. 221. 222
To ſuffer his wife to make a will 223. or to give certain goods during her life 224
To paſſe an account, & procure diſcharge for a Sheriffe. 225
For executing of a Bayliwicke. 226, 227
To reſign a Vicarage. 228
To renew ſureties, 229
To alter uſes, 273. 274

Confirmation.

Of an Annuity in allowãce of dower. 458
By the Biſhop, Deane and Chapter. 447
Deſined. 457
In fée. 457
By the Ordinary and Patron. 459
Of the office of the keéper of a park, baylike, & ſteward 457

Conveyances.

Not without conſent of Inhabitants. 289
Upon truſt. 285
To uſes. 263 266. 285

Copies of Court-roll.

Bargaine and ſale of Copihold lands. 401
What a Copiholder is. 903
His confeſſion. 627
Feoffement thereof 245
Aſſured by fine. 76
To the huſband & wife 629
Inſtructions for making of them. 605
For two lives. 619
By a man and his wife. 622
Releaſe by Copy. 628
With remainder. 620
The tenant repaying. 606
The ſtile thereof. 604
Made by the Surveyor. 623
The Lord of ſtandtimber. 625
Where the heire is admitted 606
Of an admittance infée. 607
After a ſeiſure. 610
In fée by the Lord. 611
In ancient demeine. 614 615
In taile with remainders 616

See Surrender.

Covenants.

The words thereof. 58
Between two to two. 58
Between three to three. 58
Betweene executors, 59
To ſue Statutes 60
To diſcharge executors, and procure Releaſe 61
To proſecute ſuit 62
To ſurrender copihold land 63
Touching the aſſignment of executorſhip 64
For ſpeédy triall, and quiet occupation in meane time 65
To make aſſurance 66
To aſſure lands to be harmleſſe

Ieſſe of Recognisances. 67
To make aſſurance in taile after a fine knowledged 68
Not to ſel but to the bendæ. 69.422
Not to take advantage of former covenants if lands deſcend not. 70
To ſhew evidences to maintaine another's intereſt. 71
To deliver writings upon notice of ſuit. 72
To leave Iron mils furniſhed in default of payment 73
To be ſeiſed to uſe of leſſes performing covenants. 74
Of an under ſherif to execute his office, and to ſave the high Shirife harmeles 75
To make a leaſe for years by fine of copihold lands. 76
That the Feoffor hath done no act but that he is ſeiſed and ſo will continue. 77
Not to ſel lands but to T. R. without his licence.
Betweene the Maſter of the Court of wards, & thereupon Liberie to be ſued 80
Of Marlage, and Joynture to be made. 81, 82. 85, 86, 87
Of marlage of a King 83
To make Joincure. 88
Of marlage, & to levie a fine and ſuffer a recovery 88
To pay conditionally 89
To lead the uſe of a fine, and to levie the ſame 90
To levie a fine and to make other conveyances to continue the lands in his ſirname 91
Limiting the uſe of a ſingle fine levied by the husband and wife 92
That upon agreement to ſel an eſtate ſhall ceaſe 93
To levie a fine upon grant and render 94
To levie a fine, &c. 95. to uſes 96 & that the conuſee ſhall grant the lands in taile &c. 97
Limiting uſes of fines & recoveries, with a covenant to reſtrain the liberty thereof 98
Limiting uſes in taile not to be diſcontinued 92.99
To agree upon an action 65
To do further acts 63
To divide parts upon agreement
To ſtand bound for accompliſhment of &c. 60
To beare charges in proſecuting 62
To change lands 60
To keepe a Court 68
To demiſe for lives, or years 82
To occupy graſſe in common 65
To inne Hay 65
Neither party to hurt other 65
For diſcharging of Incumbrances 66
For quiet enioying 8 305 till money payed 288
To purchaſe lands to the value of &c. 265
To ſave harmeleſſe 560. of legacies 59
To finde neceſſaries. 424.416
For quiet occupation. 109.66
Of Partnerſhip 550
To reenter for default of iſſue male 68
To depart upon repayment 316
To ſtand ſeiſed 73, for default of iſſue 81
Not to travell &c. 66
To leave his wife worth &c. 82
That rent ceaſe upon eviction 434
That the leſſor may enter & follow 446
Which may be uſed in leaſes 450
That ceſte que uſe ſhall diſpoſe the profits for education of the Feoffees children 468
Not to barre or extinguiſh Remainders 269
That Feoffees in uſe ſhall do no act to fruſtrate uſes 270
That the leſſee may lop woods 313
That the leſſor may enter & make fallowes. 314
That the leſſee ſhall not aſſigne 315
By the leſſee to depart 316

Debt

Reſpited upon a ſafe conduct. 325

Defeaſances,

Vpon bargains & ſale. 408
To make a Leaſe according to an old leaſe 232
Of an Obligation 230
Of a recognisance 231
Of a rēt by obtaining eſtate in lands 470
Of a ſtatute ſtaple 233
Knowledged before the chief Juſtice &c. 234

See Statute Staple.

Executors,

SEe Condition.

Executions.

See Covenants.

Exchange.

If grant thereof. 511. 513. 514
Changes in exchange 512
Of lands 515

Fee farme

IN Mortgage 410
Feoffement thereof 420

Feoffements.

In ancient demeſne 246
Of Copihold lands 245

Of

Of a decree 239
Defined 235
By executors 241
In fee. 238 in fee Farme. 410
For maynteinance of high waies 389
Of an Hundred 243
To the husband and wife 244
Of lands descended 236
Of lands purchased 237
With a Letter of Atturney 238
In London 242
Of a Mannor recovered 240 250
Until money be paied 260
Void for nonpayment 265
Of lands given by testament 240
Ad intentionem resceassandi. 247.248
For discharge of taxes and Fifteenes &c. 289
In trust to uses 289
To uses alterable by the feoffor 271

Gifts.

In Frankmariage 258
Of goods 423.424.425 426
In speciall taile 256, 257
Generall 254. with remainder ober 255

Grants.

Of Advowson 332.333.334 335.336.338.597
Of an Annuity 298.299 301.303.306.307.308.309 310.311.312.313.318.320 321.322.332.333.334.335 336.338
Of part of an Annuity 300
Of an annuity out of the hamper, wine out of the kings cellar &c. 378
Of a pension in recompence of an appropriation 323
Of an Auditorship 367 of the Exchequer 366
Of an Aulnagership 343
Of a bailywicke 345
Of Liberty to a bondman 380.381
In Capite 386
Of offices of Chamberlain of the Exchequer, Justice in Eire, keepir of Castles &c. 350
Of the Clerke-ship of the peace 347. of the Hamper 375
Of a Collation 337.354 356
Of a Commons 291. for sheepe 294
Of a Constable, & a master of a forest 363
Of a Cowrdie 324
Of Custos rotulorum 346
Defined 290
Of Exchange 511
Of a Faire 361
Of a Fellowship 336
Of Goods 425
Of herbage and pannage of a parke. 374
Of an Ideot 365. with his lands 308.370
Of the Incorporation of a Towne 390. by the King 392
Of the tuition of a Lunaticke 369. his Familie 370
Of libertie to repaire 326
Of a manor or Lodge 355 373.389. with the advowson 387
Of Mariage 329.330
Of a messuage 353
Of the Earle Marshals office and honour with annuities 353
Of a parkership 372 373
Of a patronage &c. 388
Of the office of the pipe in reversion 379
Of a parsonage in pure alms 357
Of a Prebend 358.360
Of a reversion 291.292.302 to the M.265. revocable by tender 296
Of a rent charge 305 with a Nomine Pene 304 305
Of a fee or chiefe rent with Homage and service 317
Of Receiver and Surveyor with fees 377
Of a safe conduct 305
Of Stewardship 340 of a Corporation 341.388. during pleasure 344
Of a Scribe or register 348
Of Surveyorship 349.364
Of turbarie 293.304
Of underStewardship 342
Of a Wardship 372 328 within age 331
For life, without impeachment of waste 352
Of a Warren 359
Of a speciall liberte, and ouster le maine. 392

Indentures.

For a prentice 582.583

Inventarie.

Of goods 654.
To exhibite an Inventarie, 546

Iointures.

See Covenants, Conditions, and Uses.

Leases.

A Assignment to uses 287
Reserving barley 433
Of a brewhouse 439
Of Charter lands 443
Of corne 438
Covenants of Leases 450
By a Deane and Canons 436. with dispensation of 21. H.8 362
To trie a title by Ejectione firme. 449

With

With exceptions. 143
By executors. 447
Of Fish and ponds. 441
Of a house. 431
Given by the first husband, and conveyed in trust, that her second husband sell it not 286
In trust instead of ioynture 285
Libertie to make leases. 275 282
Of Mills. 442
Of a messuage. 430. 435
Made according to the olde Lease. 232
By the Patron and parson &c. 447
Of a Parsonage. 444. 445
Reservation of power to make Leases. 84
In the Court of wards. 437
Of a Warren. 440
Be will. 452
Warrant to deliver a Lease 534
Warrant of Atturney to make Leases. 538
For xxi yeares. 84
From yeare to yeare. 151

Legacies.

See Conditions, covenants

Letters of Atturney.

To accompt. 546
To make acquitance. 530
For spetiall debt. 520
To receive debts. 530
To enter for nonpayment. 519 529
By executors. 522
Generall. 533
To alien lands. 532
To observe lands. 519. upon the Kings licence. 523
By a Maior and Communaltie. 518
To receive money. 517
How necessary. 516
To seale an obligation. 531
To receive the possess. 525. costs of the Sheriffe. 526
To take possess. 529. of lands extended. 518
To deliver possession. 524
To recover and retaine. 521
Revoked. 537
To sue. 534. to a court. 535
To exhibit a will 546
See warrants of Atturney

Letters Missive.

For an advowson. 664. 686
To a Bishop. 587
To a Deane and Chapter. 585, 586
By the King. 584
Betweene subiects. 588
Letters of substitution. 536

Licences.

To alien lands in cap. 567
To sell Ale. 517
To keep an Alehouse. 558
For apparell. 540
For Badgers of Corne. 568
To begge. 559. 560
To brew. 554
To weare a Cap. 591
For a Crossebow. 547. 548
To buy hats beyond sea. 561
To purchase in Mortmain. 565
To be nonresident. 553
To make a Parke within liberties. 563
To be absent from Parliament. 552
To retaine men. 550
To teach & erect Schooles. 564. 565
To shoot in handguns. 549
To keepe a Taverne. 555
Warrant for a licence to elect a Bishop. 572
To transport Wooll 569
To demise for yeares. 624

Liverie of seisin.

Defined. 251
Entring thereof upon the deed made in person. 252, by Atturney. 553

Marriage.

See Conditions, covenants Grants and Joynture.

Morgage.

Acquitance for lands morgaged. 483
Upon condition to pay. 409
Of a fee farme. 410
Of lands 41. 413. 416, 418 419
To find meat 414
Upon payment 413. 415
To save harmlesse 412
Release by the Mortgagee 470

Obligations.

See Bils.

Offices.

See Grants.

Partition.

Betweene copartners 507
betweene ioyntenants 506

Of lands descended 604
Of lands purchased 509
Among 4 partenors 560

Partnership.

Covenants therefor 510

Pasport.

See Licences.

Pawnes.

Of a chaine of gold 429
Of plate 427

Petition.

For erecting a Schoole 566

Presentations.

To an Archdeacon 590
To a Chantry 594
By a master of an hosp: 595
Post mortem incumbentis 59
Notes touching presentations 558
To a Parsonage 589. 593
To a Prebend 591. 592
Void by resignation 502
Sede vacante 599
See Advowsons.

Recognisances.

For good abearing 104
In the Admiraltie 103
Acquitance of money due thereby 198
For Alehouses 104
Before the Barons of the Exchequer 104
In the Chancery 103

Defeances

Defeasances thereof 231
Defined 103
To give evidence 104
Before a Justice of the common Pleas 104
Single before a Just. of P. 103
Lands assured so as be harmeless thereof 67
For the peace 104
To appeare at sessions 104
For keeping a taverne 104
Releases.
Of all actions 171
Of Amerciaments 478
Of an appeale 475
In performance of an award 477
By copie 628
Defined 466
Of dower 630
Of Errors 481
In a writ of entrie 480
Betweene feoffes 746
Generall 482
Betweene joynt tenants 475
Excommunication of Matrimonie 473
By the mortgagee 470
Of the peace 479
Of a prisoner 542
Of a Quare impedit 472
Of right in land 568
To tenant of freehold 467
To tenant for yeares 466
To the vendee 469
Reservation.
To make leases 84
Suit of court reserved 297
Resignation.
Of a benefice 601
Reversion.
See Grants.
Revocation.
Of administration 544
Of a Letter of Attorney 537
Sales.
VPon condition 417
Reserving rent 421
Of a reversion 297
Bill of sale 428
See bargaine and sale.
Statute Merchant.
Knowledged before bailifes. 106
Certificat thereof 106
Defined 105
The forme 106
Lands extended by statute 528
Assignment of statutes. 456
Statute Staple.
Defined 101
For debt 108
Improper 109
Where & when void against purchasers 508
See defeasance
Subsidies.
Certificat for payment thereof 131
Surrender
Upon condition 461
Out of Court 621
Defined 466
Of an estate for life 461
Of leases for yeares 465
To one in remainder 462
To one in reversion 463
Before the Steward 618
See Alienation and copies of Court Roll.
Trust.
FOffement in trust to uses 289
New feoffées in trust after death 289
Leases in trust in stead of jointure 286
See bargaine and sale, Leases and uses
Testament.
See Wills.
Uses.
VPon alienation 264
After alienation, bargaine or sale shall cease 93
Assignment of a lease to uses 287
Conveiance to uses in jointure 84
Altered and created new 272 273.274.279.280.
Limitation of uses 278
Covenants to alter and raise uses. 279.280
Provisio for discontinuance of uses 281
A libertie by use to make leases.
Cease upon discontinuance 83.84
In consideration of debts 267
Feoffements to uses 259
trust to uses 289 Illusories be saved harmeless 261
For want of issue to cease 99
Limitation thereof 278
Recovery to uses 81
Stand seised to uses. 84 of Leases 74
A scrodule limiting uses 262 263
Declared by testament 277
Divers clauses touching uses 84
Provisio for feoffor in use to make annuities and jointures 276 & leases 275.282
Warrants.
TO pay annuity 579
For royall assent 573
For election of a Bishop 572
For a bucke
Dormant 575
To arrest a fugitive 578
To returne a Jury 580
To pay mony 570
For the peace 577
To make replevin 581
To take a vagabond 575
Warrants of Attorney:
To prosecute actions 549
To revoke Administration 543
To deliver a lease 530
To make leases 538
To receive rent 540
To release a Prisoner 542
To deliver and receive writings 543
See letters of Attorney
Wills and Testaments.
Perfect formes thereof 642 643.644.645
Codicils before and after Wills 648.649
Doubts in wils resolved by executors 646
A gift to performe a will 424
To bind lands by will 941

Instrnments added concerning merchants affaires.

A Charter party. 655
A Charter partie in an other forme 656
A sale of a fourth part of a Ship. 657
A sale of a Ship 658
A bill of lading 659
A bill of exchange. 660
A bill of credit. 661
A protest, for not accepting a bill of exchange 662
An assurance for goods in a Ship. 663
An assurance upon the life of a man 664
An Obligation for money in French 665
An Obligation where the constitutor is charged for the debt 666
A cession of a rest of an account in French. 667
A procuration by a Merchant to a Factor 668
A covenant by a factor to returne Merchandises 669
A procuration to recover and receive debts 670
A procuration for recovery of a debt beyond Sea 671
A certificat of depositions of witnesses, with a procuration annexed. 672
The like certificate in another forme 672
A constitution of merchāts of a factor to deale for them 673
A substance by him to whō a procuration is made 674
A revocation of a former substitution. 675

Instruments now newly added in this last Edition.

An Indenture quadripartite to leavie a fine or sukfer a recovery with limitation of uses. 676
A declaration by the Wife for the disposal thereof 677
A Commission to appoint a surveyor to survey lands in severall Counties. 678
Indēture tripartit betweēn Executors for the faithful executors of a wil 679
A Lease of a Mannor to be onely subscribed and sealed by the lessor. 680
A Letter of Attorney by the Lessés to take possession 681

FINIS.

THE FIRST BOOK OF SYMBOLEOGRAPHY, DESCRIBING THE METHOD and forme requiſite to be obſerved in making of Inſtruments extrajudiciall.

What Symbolæography is.

SYmbolæography is an Art or cunning, rightly to form and make written Inſtruments. Sect. 1.

Symbolæography is either judiciall or extrajudiciall.

Symbolæography extrajudiciall, is the firſt part thereof, which is altogether occupied in the deſcription of ſuch Inſtruments, as concerne matter not yet judicially in controverſie.

Which be of two ſorts, namely, Inſtruments of agreements, or Contracts, and of Teſtaments or laſt Wills.

For the eaſier underſtanding whereof, before we take in hand to deſcribe them, it ſeemeth convenient in ſome ſort briefly to peruſe and ſet down the generall natures of Contracts and laſt Wills, and of ſuch Obligations in law, as they breed the ſtuffe or matter (whereof ſuch Inſtruments are to be made) beginning with obligations.

Obligations.

The definition or deſcription of Obligations, and the cauſes thereof.

AN Obligation therefore is the ſecond head, in which the right of perſons is ſeen: all whoſe ſubſtance conſiſteth not in this, that it ſhould make any body or ſervice ours, but to bind another to us, to give, do, or perform ſome thing. Sect. 2.

Hereupon an Obligation is defined, the right of a perſon by which he hath another perſon bound unto him, to pay that he oweth.

And it ſtandeth in this point, that ſome thing be done or performed: And the ſame either a thing or a perſon, and either the thing it ſelfe, or the intereſt or damage, or both together.

And all the doctrine of Obligations conſiſteth either in making of an Obligation, or in the diſſolving of the ſame when it is made.

The conſtitution or making of an Obligation reſteth in the cauſes and manner of making thereof.

The ſupreame cauſe (which is alſo common to all other effects of law)

is

is right, the inferiour cause thereof is the act of man, which rather giveth occasion of the Obligation, then induceth the same.

For although to the making of Obligations, the mind and will of man be very necessary, yet thereof ariseth the Obligation, not for that a man willeth, but for the right and fact granteth such obligation to arise: and on the other side it happeneth often, that a man will not be bound, and yet nevertheless is bound if he commit any such thing by which right will have him to be bound, as in Obligations with offences.

Right therefore is the chiefest cause of Obligations, the fact of man the remote cause, sine qua non: that the principall cause, this the secondary.

And therefore it is termed the bond of right, or law.

Of Obligations, some be simple, and some be mixt.

A simple or single Obligation is that which leaneth upon right onely, that is naturall right, or civill right only.

Which is so either naturall or civill.

The naturall obligation is that whereby a man is bound to yeeld that only which he oweth naturally: and that is also called the right of the law of nations.

A civill obligation is whereby a man is bound by civill law, to render that which he ought civilly.

A mixt obligation consisteth of both laws, naturall and civill.

In every obligation the one is called the creditor, or obligee, the other the debtor or obligor: and by divers other more speciall names, according to the sundry formes of Obligations and Contracts: as feoffor and feoffee, lessor & lessee, grantor and grantee, donor and donee, vendor and vendee, &c.

The creditor is he to whom any thing is due by Obligation.

The debtor is he that is bound.

Such is the distinction of obligations by the efficient and originall cause thereof.

Of the fact of Man.

Sect. 3. NOw the fact of that person, and the person himselfe, are to be considered. The fact is the covenant or agreement, or the offence, which two are the only way making Obligations.

The person is he which either agreeth or offendeth, and beside him none other.

And both may be bound either mediately, or immediately.

Immediately, if he which is bound doe agree.

Mediately, when if he which by nature differeth from him, but not by law, whereby as by some bond he is fained to be all one person, doth contract, or offend, of which sort in some cases be those which be in our power, as a wife, a bondman, servant, a factor, an Atturney, or Procurator, exceeding their authority.

Of

Of Covenants and agreements, and who may make them.

A Covenant is the conſent of two or more in one ſelfe thing, to give, or to doe ſomewhat. Sect. 4.

This conſent is here of them, which both by nature may conſent, and to whom it is by law permitted to conſent.

For all which by nature can conſent, cannot alſo conſent by law.

But all may conſent of what ſex ſoever they be, male or female.

But age hindereth ſome, and ſome the defect of the body, as dumbneſſe, deafnes, blindnes, and ſome the defect of mind, ſo that they cannot conſent.

Age hindereth thoſe which be within the age of xij. yeares: Defect of the mind thoſe which be of full age. And nature both, with the conſent of law, but not all after one ſort.

Infants which underſtand not what is done, can therefore neither make Obligation, nor covenant, either civill or naturall, which may take beginning at their perſons: Except ſuch as be of the age of diſcretion, that is, males of the age of xiiij. yeares, and females of xij. yeares, which may covenant and be bound in ſome caſes, as for neceſſary food, rayment, ſchooling, inſtruction, and marriage; &c. or as executor to another. Doct. Stud. lib. 2. cap. 27. Minor.

The vice or defect of the mind, as madneſſe, Lunacie, Idoocie, hindreth the making of Agreements and Contracts. Furioſus. Lunaticus. Ideota.

Of Conſent true or feigned, or indeed and in Law.

FArthermore, the conſent in Covenants, is two-wayes conſidered: the one as it is true or feigned, the other as it is pure and conditionall. Sect. 5.

I underſtand that to be a true conſent, which cometh unto the fact of man, appointed unto that end, that by the ſame he may be ſaid to conſent: of which ſort it is, almoſt in all covenants. And this true conſent is ſometime expreſſed, and ſometime concealed, or implyed. Conſenſus verus.

A true conſent expreſſed is that which is declared by word or deed: by word, either uttered by mouth, or ſhewed by writting, or meſſenger.

The conſent ſecret, or concealed is, when one doth conſent by not diſſenting: whereas in the meane time he might have hindred that done, if he had diſagreed.

So that an expreſſe conſent is alwayes in deed, and a ſecret conſent in Law.

For they, betweene whom there is nothing expreſſly agreed, concerning the nature and eſſence, which a covenant hath by law, are underſtood ſecretly to conſent to the nature of the Covenant which is appointed by Law.

The feined conſent is by law for ſome fact, when the conſent of both parties appeareth not: and yet in as much as the fact is done, they are by law both; Fictus conſenſus.

both feigned, and deemed to consent, for the nature and reason of the busines which is between them both.

In a true consent we make choise with whom we will covenant: In a feigned consent wee happen upon him casually: In the true consents our wills conjoyn us: In the feigned, fortune, or rather Gods providence. In true consents we begin at the fact of man: In the feigned, at the Law.

Of pure Obligations and Covenants.

Sect. 6. AND as far forth as the consent is either pure or conditionall, so far forth by that quality some Covenants and Obligations be pure, and some other conditionall.

Obligatio pura, pure Obligation is that, which is, and hath being forthwith, not being suspended or stayed with any condition.

Which sometime is pure simply, when the agreement is such, that by force of the obligation it may by and by be performed with effect: Sometimes pure after a certain manner, and that by the adding to of time certain, unto which not the Obligation (which already is made) but the performance thereof is deferred.

Of conditionall Obligations or Covenants.

Sect. 7. A Conditionall Obligation is that which is deferred to some chance, whose whole effect resteth in this, that if the condition happen, it may be drawn back to the very time of the agreement, and be holden, even as the agreement had been originall pure.

But it behoveth the Condition to be possible in deed and in Law, otherwise the agreement is void.

Of bare Promises.

Sect. 8. Consensus solus. Pollicitatio. A Consent in covenant, is sometime alone, and sometime with cause. A sole consent consisteth in promise and agreement.

A promise is a covenant offered by one freely, which is of none effect in the law to produce an Obligation, if there be no cause why it should be done.

Of bare Agreements.

Sect. 9. Factum & placitum, vel pactum nudum. AN agreement by sole consent, is a covenant consisting within the bounds and limits of his pleasure that maketh it: And therefore it is called with us Nudum pactum, which of his own nature breedeth no obligation. As if I. S. promise to pay x.li. to P. L. not having quid pro quo 9 H. 5. fol. 14. For if a man promise to do or make any thing, and no agreement being made what he shall have for his labour, it is Nudum pactum, 13 H. 6. 36. Of which sort bin all naturall obligations: as recompensing, requiting, and other bare promises without lawfull consideration.

Of

Of Contracts.

A Covenant or agreement which hath a cause, is termed a contract, which is nothing else but an agreement with a lawfull cause of consideration. Doct. and Stud. lib. 2. cap. 24. Sect. 10. Consensus cum causa.

A cause is a busines which being approved by law, maketh the obligation rise by the contract, and the action upon the Obligation.

There are two principall Heads to bee observed in the learning of Contracts: the ons pertaineth to their Substance or Nature, the other to their adjuncts or accidents. Contractuum distributio.

The substance of Contracts.

The substance of al contracts consisteth in consent, as their matter, and in the cause or businesse, as their forme. Sect. 11. Materia & forma cõtractuum

Yet that consent which is common to all contracts also distinguisheth them, and that by the diversitie of the manner of consent which is used in Contracts.

For consent is sometimes used indeed, and sometimes fained, as in law: so of contracts, some be true, and some be fained.

True Contracts, be contracts having a true consent ordained to that end that the contract may be made, and thereof an Obligation or bond. Contractus verus.

Which true consent is alwaies interposed of both sides, whether it be expressly or secretly: insomuch that if there be any error or deceit in the consent or thing, for which the contract is entred into, that contract is either made altogether none, or of one effect.

Therefore the true contracts be those, which are by mutuall consent of both parties: which consent is therefore interposed that the contracts may be, and that either both or the one may be bound thereby, and both these things even from the beginning.

But if you marke the end and effect of contracts, there is no difference amongst them at all, but all equally, as well fained, as true contracts, breed obligations, which obligations so bred bring forth actions. Contractuum effectus.

Againe, true contracts be distinguished by their cause, which is common to them all in generall, namely that in all contracts, something be given or done, but in some, law hath set and distinguished the busines or cause in certaine limits, in which it hath forsaken the common nature. Contractuum causa cõmunis.

And an act so long as it appeareth not, whether it may be referred to any certaine busines defined within certaine limits, or no, is left in his generall kind, and that common nature: as for example, when I give I. S. money that he may give me something of his. In generall certes this contract is I give, that he may give. But when law hath severed & defined by certaine notes this busines, wherein a certaine price is given for a

certaine thing, and hath given thereunto a peculiar name, it may be called buying and selling. We are not now to looke backe to the generall name, I give that I. S. may give, but to the lowest species or kind that is buying selling, and the nature thereof. But if I give thee a thing that thou maiest give me a thing of thine, that act or businesse absolutely in the generall name, I give that thou maist give, because the law hath set downe no certaine contract whereby one thing (other than money) may be given for another: neither truly by nature could certaine names be given to all and singular businesses, for that they be infinite: but words or names be infinits, and circumstances divers.

Yet profit & the frequent use of certain businesses, hath brought to passe that a certaine forme and name might be, and also is given unto them.

Hence of true contracts, some be named, and some unnamed.

Of named Contracts.

Sect. 12. Named contracts be those which have a cause by Law defined, & they are called by proper name.

Contractus nominati. The same also be termed certaine, because they are certaine in their forme, certaine in their number, and briefly, certaine in their name.

Besides these all the rest are uncertaine, as staying in that their generall appellation or name.

And it is to be understood of named contracts, which is said in the rules of contracts, that in a perfect contract there is no place for repentance, that is, that a man cannot swerve from a Contract named perfect, either party being unwilling, nor except all things be wholly restored, but that the same must altogether be consummate, and either the thing contracted be performed, or if that cannot, in stead thereof the interest or dammages thereof.

And though those contracts onely be named which have received both name and forme of our Civill Law, and thereby it is to be esteemed, whether they may be said to be contracts named or unnamed: yet have they not all one selfe beginning, for some be said to be of the Law of nations, & some of the Civill Law.

Of Contracts of the Law of Nations.

Sect. 13. Those Contracts be of the Law of Nations, which have their cause by the Law of Nations, received with all men, but have received their certaine forme and certaine name from our Civill Law.

Contractus Iuris gentium.

Which be twofold, for certaine are made by the thing, and certaine by consent.

Merely there be divers such Contracts that may be made upon some thing, neither is there any wherein it is not needfull that consent be: but the same in some more, and in some lesse.

As

As touching those that are preferred by the thing, the matter standeth thus, that their cause (that is to say) giving consisteth in this point, that it behoveth the thing alwaies to be present, and necessarily delivered to perfect the Contract. But in other Contracts, albeit they be made concerning some thing, yet it is not needfull that the thing be present, but it may be in one place, and the contract celebrated and perfected in an other. Whereby it happeneth that the Contracts perfected with the thing, and the thing it selfe wherof the Contract is, & the very Contract it selfe, are oftentimes called by one selfe name, which is otherwise in other Contracts. Contractus rei.

Here hence we may define reall Contracts, to be Contracts whereby the thing being delivered and accepted, we are bound to the restitution of the same thing, but if that cannot be, the value or interest thereof. Contractus reales.

Whereof there be two kinds, the one consisteth in loans and lending, the other in deposition and gaging.

Lending is respected in the thing, and without the thing.

In the thing is considered, either the property thereof, or the use thereof.

The propertie of the thing is transferred in loane by deliverie unto him which borrowed it.

The use of the thing in commodation, is applied unto him unto whom the thing is lent.

Without the thing, is the keeping and the security thereof called Depositum, which is a thing left in another mans keeping, and this is termed a pledge, gage or pawne.

To all which foure kinds this one thing ought to be common, that they be free without usurie and price: for if any price or thing be given therefore for them, they degenerate into the nature of other contracts.

Of Mutuations or Lending of things which cannot be restored.

LOane or lending, Mutuatio, is a reall contract, whereby we so give a thing consisting in quantitie, that he which receiveth it, may render the same againe to the lender, in kind and nature, but not the selfe-same thing in deed: the thing that is lent, is properly called Mutuatum, he which giveth, the lender, and he which receiveth, the borrower. Sect. 14. Mutuatio.

In loane termed Mutuum, the lender must be owner of the thing lent, and also in delivering of the thing, he must convey the property thereof unto the borrower: because things so lent are so given to be used, that they cannot be used, except they be consumed. And it is therefore called Mutuum, quasi ex meo tuum fiat, Doct. St. li. 2. ca. 28. Mutuatum. Mutuum.

But no other thing may be given in loane, but those onely which consist in quantity, that is, those which are wont and may be numbred, weighed or measured: as money, corne, wine, cheese, lead, &c.

And those may receive function in genere, that is, one may be, and also

truly is used for another, that although that the thing restored is other than that which was received in specie infima, seu individua, yet in that, that a thing of the same kind, goodnes, and qualitie is rendred, it seemeth to be altogether the same.

In loane therefore the same quantitie and quality doe cause that thing being diverse in individuo, to be al one in genere. Hence it is that the same things are restored that we lent, not in individuo, (because that single thing that was lent cannot be restored, for so much as it is cõsumed by use, or if it be not consumed, yet the property thereof is conveyed unto the receiver) but in kind and goodnesse.

Number is attributed to money, &c. Measure, to corne, wine, oyle, &c. Weight, to cheese, lead, and such like of the same sort.

Of Commodation or lending of things which may be restored.

Sect. 15. Commodatio.

COmmodation is a contract reall, whereby any thing is granted freely to be used of any one, that even the very selfe same thing in deede may be restored, and not in lieu thereof another of the same kinde, as a horse, a booke &c. Doct. & Stud. li. 2. cap. 28.

The thing lent is called Commodatum, the lender Commodans, the borrower Commodatorius.

But Commodatum, is properly, when a thing is delivered to an use and purpose certain, which at the last being ended, it ought to be restored, and not before.

Precarium.

For if the thing be so delivered to be used, that it must be restored to the lender whensoever it shall please him, then it is termed Precarium, or a lone at will.

Of Deposition or leaving with another.

Sect. 16. Depositio.

DEposition is a contract reall, in which a thing moveable is freely given to be kept, that the self same thing be restored whensoever it shal please him that so leaveth it, Doct. St. lib. 2. cap. 28.

The thing left is called Receptum, Commendatum, or Depositum, the leaver, Deponens, the receiver Depositarius, the keeper therof. The nature of this Contract is in the free keeping of the thing left, and neither in the use, nor abuse thereof.

This keeping is either of a thing Litigious, or not Litigious, the thing not Litigious is properly that which we call Depositum, which is sometime left of set purpose, and sometime through urgent necessity, as in these three cases, of ruine, shipwrack, and burning.

Of

Of Sequestration.

The keeping of a thing Litigious is called Sequestration, which is therfore defined the deposition of a thing in controversie. Sect. 17. Sequestratio.

Which is conventionall, or judicial. A deposition conventionall, is made with the wils of the parties betweene whom the controversie is.

This doth take possession frō the parties in controversie, and giveth the same to the Sequester, or indifferent man, to the end he may deliver the same to him that recovereth it, except peradventure it be expressly so agreed, that the Sequester shall onely detaine and not possesse it.

A judicial Sequestration is made by the authority of a competent Magistrate, even against the will of both, or of the one of the parties.

This taketh not away the possession, but because it is doubtfull, it leaveth it in suspense, until the parties be either friendly agreed or electing the suit, or it be declared by judgement who is and ought to be possessed therof.

Sequestration judicial ought not to be made but upon urgent causes, as to avoid fighting & breach of peace, &c. or if the destruction of the thing Litigious be feared, or the party suspected to become fugitive or insufficient, or if there be any other danger in delay. But deposition of things moveable onely, and sequestration may be of things immoveable.

Of Pledging and Gaging.

A Pledge is taken sometimes generally, and sometimes specially: and both of them are sometimes of the covenant, and sometimes of the thing which commeth into the covenant, Doct. St. li. 2. ca. 38. Sect. 18.

Pignus generally taken, is a covenant by which right is appointed to the creditor in the things of another man, that his debt in him may be so much the surer: which verie right is not seldome called a pledge, so that a pledge may be of the covenant, or of the right of a thing, and briefly of the thing in which that right is appointed. Pignus.

And a pledge is either proper or improper: An improper pledge is called Hypotheca, which is of a thing not delivered, which is made and perfected by covenāt only, As in clauses of distrells, clauses of nomine penæ, and other penalties for not performing of covenants, &c. Hypotheca.

It is either expressed, or implied.

Expressed is that, when it is expressly agreed, of what thing it should be, as a clause of distrelle for rent charge.

And this is attained by expresse consent of the parties onely.

An improper pledge implied is that which is induced by the Law alone, yet by some circumstance also given by some act of man, which is not principally, and by the will of man appointed to make a pledge: although

that by that thing which is done, the man doing it is presumed to agree to the pledge: as when goods be brought into another mans land, liable to the distresse of a stranger, for rent or other moveable things, bound by the operation of the law.

A pledge so termed specially, is a pledge delivered to the creditor, sometimes to the debtor, and sometimes by a Magistrate.

Of Pledges necessary or voluntary.

Sect. 19. And therefore a Pledge is either necessary, or voluntary, or conventionall.

A necessary pledge is that which is received by compulsive authority of a Magistrate.

A pledge voluntary or conventionall, is a pledge delivered by the covenant of both parties.

A pledge is ever of the debtors owne things, namely of such as may be bought or sold.

For the gaging of the goods of another man is void, if it be not with the will and consent of the owner thereof.

And a pledge may be pawned to another, yet subject to the first condition, for prior tempore fit potior jure.

Fruits and things growing may be pledges.

Of pledges generall and speciall.

Sect. 20. And a pledge may either be generall, which is of all a mans goods: Or speciall, which is of some part of them onely.

And all the right of pledges or gages, consisteth in the security and assurance of the thing due to the creditor. Do. Stu. lib. 2. cap. 28.

Of Contracts by consent.

Sect. 21. Such be the Contracts by the law of nations which are perfected with the thing. Those which are perfected by consent doe follow.

And obligations accreweing of these are said to be contracted by consent, not because these alone have consent in them, but for that to their perfection, the presence of the thing whereof the contract is made, is not desired, nor words nor letters, but sole consent sufficeth, which yet many times is interposed with the thing, and by the accesse thereof perfected.

Hereupon contracts by consent are defined contracts, having cause placed in sole consent, to this end and intent, that a busines certaine may be done.

And these contracts by consent, are partly in the thing, and partly about the thing.

In the thing, namely either of the property, or of the use thereof.
About the thing, as of communication or fact.

Of buying and selling.

COntracts of property are buying or selling: Of use, are letting, taking, or hiring: Of communion, societie: Of fact is commandemẽt. Sect. 22.

And buying or selling, Emptio, venditio, is a contract by consent of the having of a thing, by or for a certaine price. Emptio. Venditio.

In which he that must deliver the thing is named the seller, & he that ought to pay the price thereof, the buyer.

The substance of this contract consisteth in the thing sold, & in the price thereof.

What things may be sold.

ALL things may be bought and sold whereof a man may have property or ownership, as horse, kine, &c. corn growing upon the ground, Tithes not severed, 21 E. 3. 11, 21 H. 6. 43. hay growing, 27. H. 8. 25. 11. H. 4. 32. Sect. 23.

All goods, chattels immoveable, bondmen and other things not being by law prohibited (as stolne goods, horses, in Scotland freemen) may be sold.

Also a man cannot buy his owne goods.

The price in buying and selling in money. Pretium.

For one thing given for another, is not price neither if it so happen, it is buying and selling, but exchanging, Permutatio. Permutatio.

The price is certaine when it is either expressed in the bargaine, how much it is, or ought to be. Or if not certainely expressed, yet some relation is made to something, whereby it may be made certaine. As if the vendor saith, he selleth it for so much as he bought it, or for so much as I. S. shall arbitrate: It is certaine enough till I. S. have denied to declare the certaine price thereof, 14 H. 8. 19.

Of payment and deliverie of things sold.

THe paiment of the money and delivery of the thing sold are effects of buying & selling, but not the very substance thereof, 14. H. 8. 19. for buying and selling is perfected, by the certaine appointing of the thing to be sold, & the taxation of the price thereof, with the mutuall consent of the buyer and seller, which consent in and about one selfesame thing worketh all. Sect. 24.

Of letting or hiring.

LEtting and hiring, locatio conductio, is a contract by consent of the making or using of some thing for a certaine rent, hire, or wage. Sect. 25.

He which letteth, leaseth, or setteth any thing to be made or used, is called

led properly Locator, the Lesso; or letter: he which taketh or hireth it Conductor, the Lessee or hirer.

Letting or taking is either of a thing, or of the diligence of man.

And all things which may be bought and sold, may also be letten, except such onely as consume by use. As corne, wine, oyle, money, and such like, which may not be letten: But houses, and land, and quick beasts, as sheepe and oxen which by nature yeeld increase, may be letten.

The letting or hiring of a mans labour, is as it were the use of a man in the making or doing of something, as in the making of an house, a clock, a garment, in doing of a dayes worke by a labozer &c. Or the use of an house, of lands &c. for life, yeares, or at will for certaine rent.

Of Societie, Communion, or Fellowship.

Sect. 26. Societas. SOcietie is a contract by consent about a thing to be had, & used in common on both sides.

And the society or communion of things may happen betweene many of divers causes, of which two be most principall: One by hereditary descents or executorship: As when lands descend to heires or copartners, or when a man maketh divers executors, or administration is committed to divers. The other, when a thing is purchased, or gotten by divers, by gift or legacie, or some other such single title.

But that onely is properly called Societie, which by mutuall consent is applied to that end, that there may be partnership or fellowship among the persons contracting: wherein so soone as they are fully agreed, the one is properly called the others fellow.

And the same societie is in the goods and things of all the companions, or of one, or of some of them only, and in the labour to be done by them all, one, or some of them, about such goods or things. And againe, in communicating of gaine and losse after the putting of such things in fellowship, or barter, and performing of the labour thereabout.

So in Societie are regarded the goods or things of which the communion is made. And the diligence and labour to be imployed in and about them. And the damage or profit which of them both, or by the occasion of them, or of the same societie ensueth, may grow or arise.

And the whole doth consist in negotiation: as in buying, selling, trafficke or Marchandize.

Of a Society generall or speciall.

Sect. 27. SOcietie in respect of goods, is either generall or speciall.

A generall societie of goods, is of all goods: which contract hath this one thing peculiar unto it selfe, that so soone as the partners are agreed there-

thereupon, all their goods are by law common, in propertie and vse to each and every of them, without delivery of any part thereof to raise a property.

A speciall societie of goods, is of certaine goods onely, and the same either one thing onely, as of an Horse, Ore, &c. to be bought: Or of some certaine kind of merchandizes, or wares, or other things, as corne, oyle, spices, beasts, &c.

Againe, the generall Societie of goods is so of all, that it extendeth to all things of the Partners or fellowes. But in the speciall Societie of goods, it may be that the one onely conferreth the goods, and the other no goods, but bestoweth only his labour and diligence, which then is in stead of goods.

For labour is oftentimes of as good regard as money, yea and sometimes much better, which causeth, that even the poore being industrious, may have fellowship with the rich.

Therefore in generall societie of goods, the one of the partners sometimes yeeldeth more goods, and the other lesse, the want whereof is intended to be supplied by the other parties labour and diligence: all which dependeth upon the agreement and will of the parties thereunto.

Of Gaines and Damages.

GAine is that which remaineth when all damages & expences which the principall or goods put in barter, are deducted. Sect. 28. Lucrum.

Damages is that which wanteth when the expences are diminished from the principall, or things put in barter or fellowship. Damnum.

Of Commandement or Commission.

A Commandement or Commission, Mandatum, is a contract, by consent to doe something gratis or freely. Sect. 29.

He which commandeth is called Mandans, or Mandator, he which is commanded may be called Mandatarius.

Commandements or Commissions doe properly rest in the deed, and not in the thing, albeit the thing doe sometimes come into the fact.

And that but Commanded is either in Judgement, or out of Judgement.

A Mandate or Commandement therefore is either touching some controverse, or the doing of some other businesses.

And every Commandement is generall or speciall. And the generall either with free administration, or without it.

And the other person so commanded may be termed an Attourney, Proctor,

Proctor, Procurator, Steward, Bailife, Factor, Overseer, or Governor, of other mens businesses.

For an Attorney is he which administreth or doth another mans businesse by the commandement of the owner thereof.

If the party commaunded have any thing for his paine, it is not then properly commandement, but Location and conduction.

These mandatorie contracts are determined by death or will, of either of the contractors, if the deed be yet undone.

By death naturall.

By the will of the parties, as if either the Commander revoke his mandate: or the party commanded renounce and refuse to execute the same.

Of Contracts named of the Civill Law, of Stipulation.

Sect. 30. Such are contracts named of the law of nations: Those follow which are of the civill Law, which contracts are either made by Word or writing.

Stipulation is a contract made by words onely, by an Interrogation or question proceeding, and a fit answere to the same following, for the giving or doing of something or businesse: as, givest thou? I give: wilt thou doe this? I will: which is no binding contract in our Law: if no lawfull consideration precede, but Nudum pactum, of which before.

Of Contracts by writing.

Sect. 31. The other Contract of Civill Law is made by writing, as the former is made by words. And that rather for the declaration and proofe of the contract before made, than for the essentiall making of the same.

For a written Bond, is a contract whereby any man confesseth himselfe by his writing orderly made, sealed, and delivered, to owe any thing unto him with whom he so contracteth.

And if the thing were due before the making of such writing, then such dutie, when such writing is so made, is due both by the cause for which it became so first due, and by such writing, wherein it is so described: by the first naturally, by this civilly. And if it were not due before, then it was not done civilly, by vertue of the writing onely. Nevertheless it is to be noted, that by accepting of writing of a precedent contract, or of any part thereof of the party, the Contract precedent is altogether determined thereby. 9 H. 4. 7. 19 H. 8. but not if a stranger be bound. 29 H. 8. for no contract can be apportioned or divided. 2 Ed. 6. 11.

Obligations and Contracts doe not forthwith spring of all kinde of writings

tings mutually given by the parties, for some are made onely for the testimony or memory of things done, to the end to preserve them, and win credit unto them, but not to the end to procreate or breed any bond of contract, as histories, private inventories, private notes of remembrance, certificates. &c.

But if I. S. by his writing duely sealed and delivered confesse himself to owe to T. N. x. li. the proof that he made the same bond, makes him debtor of so much, albeit there was never any other contract thereof betweene them, but such writing only: neither is it necessary that the creditor prove any more, but onely the delivery of such bonds or writings thereof.

Of nameless Contracts.

AND true Contracts named, be of such sort; besides which all the rest be unnamed, which be true Contracts, having no certaine name by the Civill Law, and yet containing in them a civill busines, whose forme is generall, not defined within any certaine limits. Sect. 32.

Of which sort be all those contracts, of which it is either doubtfull, or else certaine that they can be referred to no civill Contract named.

A Civill busineſſe is, if any thing be to be given or done for some cause.

Of these unnamed Contracts there be two kindes, the one may be termed a Contract upon the cause or permutation.

A Contract upon the cause, is a Contract unnamed, made by consent wholly for some lawfull consideration, when some thing ought to be given or done, or not to be given or done, as assumption and oathes. Assumption is made for the most part with such words as, I give thee that, that thou give or doe that: or I do this, that thou shalt give or doe that. As if I. S. received of W. W. an horse or any other thing, and promise in consideration thereof, either to deliver the horse sound againe, or forty shillings: or if I. S. give W. W. ten shillings in consideration that he shal give him some other thing, or doe some act for him.

These contracts in respect of the summe certaine expressed, resemble the contract of buying and selling: And in respect of labour to be taken about the doing of the fact, they counterfeit Location, and conduction by reason of the wages: which if it were not set downe, they would represent commaundements, which nevertheleſſe fully jumpe not with any of those three contracts named, neither may they rightly challenge any of their names.

Of Permutation or Exchange.

PErmutatio, Permutation is a nameleſſe contract, consisting in the thing and consent, by which one certaine thing is given and exchanged Sect. 33.

for

for another, as an Ore for an Horſe or bread for fleſh, &c. which name of Permutation, although it ſeeme fit for this buſineſſe, yet it is rightly termed a nameleſſe contract in Law: For albeit it counterfeit buying and ſelling very neare, for that either thing given in exchange reſemble both the wares and the price, yet becauſe it cannot be diſcerned thereby whether is the buyer, and whether the ſeller, it cannot uſurpe that title.

And ſo thoſe contracts of the Caſe, Aſſumption, and Permutation, be therefore ſaid to be nameleſſe, becauſe their appellations or names be ſo generall, that no one named contract is able to comprehend them, yet is the knowledge thereof wonderfull neceſſary for the apt framing of Inſtruments.

Of improper Contracts.

Sect. 34. TRue or proper contracts are ſo deſcribed: contracts improper or feined ſucceed.

A contract improper, is a contract made by a conſent feined by the law, for ſome deed happening in the ſame, that is to ſay, in the which there is no manifeſt certainty of both parties conſent: but yet according to the reaſon and the nature of the buſines, a conſent is by law feined to come on both ſides, as the adminiſtration of anothers buſineſſe without requeſt, and gardianſhip, the communion of things, as amongſt Jointenants, Coparceners, tenants in common, jointexecutors, and joint adminiſtrators, joint legataries or donees, by payment of that which is not due, the receiver is bound to make reſtitution, and detayning of goods in which another hath property.

Of Contracts mediate and immediate.

Sect. 35. THere be alſo Contracts of the fact: and a fact cleaveth to the perſon, and is in it, from which it is never ſeparated: but the right which reſembleth and ariſeth of the fact of the contract, namely the obligation, may be gotten to another than him that made the contract.

And ſometime it commeth to paſſe, that one man bargaineth, and another man obtaineth the Obligation, whether that other be bound, or another by the ſame contract be bound to him.

An Obligation by contract is gotten either mediately or immediately.

Immediately, by a mans owne proper contract.

Mediately, where the Contract is made by another: As a Contract made by the Wife with her Husbands commandement, conſent, or aſſent, 20 H.6.22. 29 H.8.fol.25. 21 H.7.fol.40. 14 H.7. 2 R.2. or by a Baily knowne, 27 aſſ.pl.5. or by his Servant, Factor, or Attorney, 8 E.4.fol.11. 22 Ed.4.fol.6.

of

Of the adjuncts of Contracts.

WEE have hitherto spoken of those things which pertaine to the constitution of the very substance of Contracts: their adjuncts follow. Sect. 36.

Of which adjuncts some be interne, and some externe.

Of which some be Contracts bonæ fidei, others be stricti juris: Those be contracts bonæ fidei, by which that is performed which seemeth equall and good, although it was not once thought of by any of the parties at the making of the contract.

Of which sort be accommodation, Disposition, pledges, buying, selling, letting, hiring, societie, commandement, permutation, assumptions, and other contracts upon the case, gardianships, doing of other businesses, communion of things hereditarie, and all other communions.

Contracts of the strict law, are those by which that only is performed, which is expressly covenanted.

Of which kind be lending, and all other besides those above mentioned: In these the rigor of the law, in those equitie ruleth. Sundrie other Contracts there be of this kinde, which to avoid tediousnesse I pretermit.

Externe adjuncts be those, which are so in the contract, that they may also be absent from it: but in it only then when it is so covenanted.

For but that it is so covenanted, they would either altogether not be therein, or if they were therein, it should be by the only authority and disposition of the Law.

Of these externe adjuncts, some may be adjoyned to every cõtract, which are called common, and some proper to certaine contracts onely.

Common externe adjuncts, be covenants, accessions, and delayes annexed to contracts.

Of adjuncts, some adde some thing unto the contracts, some take some thing from them.

Adjuncts which adde something to contracts, are penalties, warranties or other securities.

Adjuncts taking from contracts, be such as diminish the price agreed upon in the beginning.

Of accessions to Contract.

ACcessions, accessiones contractuũ, to contracts, be those things which are required besides the principall things thẽselves, whereof the contract is made: As all costs and damages, fruits growing by occasion thereof. Or limitation of circumstances of time, place, person, &c. to performe contracts. Sect. 37.

Of

Of Delayes.

Sect. 38. DElay (Mora) is that lingring or prolonging of the performance of Contracts, which happeneth by the slacknesse either of the creditor, or debtor.

Much more might have beene said of those contracts and offences, of which Obligations spring and arise, all which we willingly have omitted, as not much necessarie for our present purpose. In this discourse of contracts necessarily (as we think) we are in like maner to entract briefly of estates, possessions, and properties, by which, things are conjoyned unto persons.

Of Estates, and properties universall, and fee simple.

Sect. 39. AN estate, Status, dominium, proprietas, is that right & power whereby we have the property or possessions of things: that is, whereby we be owners or possessors thereof.

All Estates be either universall or particular: An universall estate is an estate in fee simple, which is, when a man hath lands or other things inheritable, to him and his heires for ever, so that thereby it is perfectly his owne: and therefore we call it universall, because it comprehendeth in it selfe all other estates.

Of particular Estates, and of fee taile.

Sect. 40. A Particular Estate is every estate which is not so universall, and may also be said to be of two sorts, that is a particular estate of inheritance, and of a terme.

A particular estate of inheritance, is an estate taile, or limited, that is an estate expressing in certaine, whose issue, & of what ser shall inherite; and it is generall, or speciall.

A generall estate taile or limited, is when the estate limited expresseth not betweene whom the issue inheritable must be ingendred: As if the gift or conveiance be to a man, and the heire or heires males, or heires females of his body lawfully begotten, not naming upon what woman: Or to a woman and to the heire or heirs males, or heires females of her body lawfully begotten, not naming the man by whom it should be begotten, in which case every heire of their bodies lawfully begotten may inherit, by what wife or husband so ever. Or shortly thus. An estate in generall taile is, by which any issue of the donees body lawfully begotten may inherite.

An estate taile speciall is, when it is certainely set downe betweene whom the issue inheritable shall be ingendered. And this speciall estate taile is either expressed or implyed. An estate in speciall taile expressed is,

is, where it is ſpecially limited what iſſue of the donee ſhall inherite. An eſtate in ſpeciall taile implyed is, where it is not expreſſed ſpecially what iſſues of the donees ſhall inherite: as by gift in frankmariage, which is, where a man giveth lands with his Daughter, or other kinſwoman, to an other in frankmariage, which word frankmariage amounteth to as much, as if he had ſaid to the donees and the heires of their two bodies lawfully begotten, Littleton Sect. 17. As if the conveiance were made to a man and a woman, and the heires of their two bodies lawfully begotten: or to a man and the iſſue which he ſhall beget upon the body of A. D. Now may no iſſue take any benefit by that conveiance, but ſuch onely as are betweene them two lawfully begotten. And this maner of eſtate is properly called a ſpeciall eſtate taile: But if either of them die before they have ſuch iſſue betweene them, then the party ſurviving is unproperly called a tenant in taile, and therefore for diſtinction ſake, we terme ſuch ſurvivor in taile after poſſibility of iſſue extinct.

Of Eſtates of freehold.

A Particular eſtate which is but only a terme, is an eſtate determinable by limitation of time, and it is of two ſorts: namely an eſtate of franktenement, or a chattell. Sect. 41.

An eſtate of franktenement, is where a man hath the freehold of land, and it is either an eſtate of franktenement, created by the operation of the law, or by the act of the parties.

An eſtate of franktenement created by the operation of the law, is either by the common law, or by ſtatute. An eſtate of franktenement by the common law, is either dower, or by the courteſie of England. An eſtate in dower, is where the wife is endowed of the third part of ſuch lands as her husband had any ſuch eſtate of inheritance in, as the iſſue which by poſſibility ſhe might have had by him, might by poſſibility have inherited the ſame land of the ſame eſtate: for dower ex aſſenſu patris, ad oſtium Eccleſiæ, & de la plus belle, as ſeldome uſed at this day, I omit.

An eſtate of franktenement by the Curteſie, is an eſtate for the terme of life of the husband in all his wives land whom he ſurviveth, having had iſſue by her borne alive, which might by poſſibilitie if it had lived have had, and inherited the ſame lands of ſuch eſtate as the mother therin had during the coverture.

An eſtate of franktenement by ſtatute, is either by vertue of a bond knowledged according to a ſtatute, or by reaſon of ſome execution.

A franktenement by ſtatute, is either by vertue of a ſtatute Staple, or of a ſtatute Merchant.

A

A franktenement by vertue of an execution, is either by reason of some Iudgement in some of his Majesties courts of Record, or else by reason of some recognisance: it is when the moity of the Recognisors lands be deliuered to the Recognisee, to hold to him as his freehold till his debt be paid. But these estates of freehold growing thus by statute, are not properly but unproperly termed freehold.

An estate of franktenement growing by the act of the parties in an estate for the terme of a mans owne life, or for terme of another mans life: for the terme of a mans owne life, as if land be leased to any man to have and to hold to him during his life.

An estate of franktenement for anothers life, is when lands be assured to him for the life of I.G. or any other than the lessee himselfe.

Of Estates of Chattels.

Sect. 41. A Particular estate which is onely a Chattell, is either certaine or incertaine, and it groweth either by the act of the parties, or by the Law.

By the act of the parties is a lease for the terme of certaine yeares, having a certaine limitation when it shall begin, and when it shall end or determine: As if lands be leased to I.G. to have and to hold to him and his assignes from such a day, naming some day certaine, past, present, or to come, for xxi. yeares, or any other certaine number of yeares, agreed upon betweene the Leasor and Lessee.

Particular estate certaine growing by Law, is that estate which the Gardian hath in his wards lands, during his nonage.

A particular estate in certaine, is an estate at will, or at sufferance.

Of possession in law, and in deed.

Sect. 42. An estate at will, is where the Leasor graunteth his lands or other things to the Leassee, to have and to hold to him, at the will of the Leasor.

And it is to be remembred, that estates may be in possession, and out of possession. Possession is in law, or in deed.

And a possession in law is when the law only is the efficient cause thereof, and it is either by common law, or by statute. By common law, as if the father or mother ancestor die seised of lands, the law casteth the possession in law upō the heire before his entrie, by force whereof he is tenant to every mans Præcipe: by statute, is that possession which Cestuy que use, hath in lands limited to him in use, 27 H.8. cap. 10. before his actuall entrie into the same. An actuall possession or a possession in deed, is when the

the owner entreth into the ſame indeed. An eſtate out of poſſeſſion is of two ſorts, to wit, in remainder and in reverſion.

Of Remainders and Reverſions.

AN eſtate out of poſſeſſion in remainder, is when a particular eſtate is granted to one man, the remainder to another at the ſame time by one deed, as if a grant be made of lands for yeares, life, or in taile, to I.S. the remainder thereof to T.N. for yeares, fee, or in taile. Sect. 44.

A reverſion is ſuch an eſtate depending upon like particular eſtate, but not being created all at one time, by one deed: as if I.S. ſeiſed of lands in fee, grant the ſame to T.N. for yeares, life, or in taile, that which after ſuch particular eſtate remaineth in the graunter, is a reverſion.

Alſo every eſtate is either executed maintenant, or executorie by limitation of uſe, which veſteth in poſſeſſion by vertue of the ſtatute of 27 H. 8. And laſtly, every eſtate is either abſolute or conditionall.

Of Inſtruments, their definition, and cauſes.

HAving thus generally and briefly run over the doctrine of contracts, Obligations, Poſſeſſions, Eſtates, and properties ſo farre forth as ſeemeth behovefull for the deſcription of the ſeverall Inſtruments of all manner of Contracts: It is now time to enter into the diſcourſe of Inſtruments themſelves, the very proper matters and object of Symboleography. Sect. 45.

An Inſtrument therefore, is a formall writing made in Paper or Parchment, wherein are contained and deſcribed Contracts, covenants, laſt wils, or other facts and things of perſons, for the teſtimony or memorie thereof.

And firſt we ſay it is a formal writing, to diſtinguiſh Inſtruments from ordinary letters, private notes, reckonings, and remembrances made by any for a mans owne private uſe & memory, and from all bookes of Arts, Hiſtories, Divinity, Philoſophy, and ſuch like.

Secondly, made upon Paper or Parchment, for that, that before the invention of paper or parchmẽt, men uſed to write ſometimes upon boords rubbed over with ware, ſometimes upon ſtones, ſometimes upon metall, and ſometimes upon the inner rinds of the barkes of trees: And ſometimes at this day upon tables, ſtones, or tallies: none of all which kinds of writings we here meane, but ſuch onely as are made upon Paper or Parchment.

Thirdly, in ſaying that an Inſtrument cõprehendeth things contracted: it ſetteth before our eyes, what the verie matters, buſineſſes, and acts be, whereof ſuch Inſtruments muſt be made: namely of agreements and

contracts, grants, wils, pleadings, &c. which may breed Obligations, and not of bare speeches, communications or private notes.

Fourthly, the word (person) pointeth to the efficient cause of these Covenants and contracts.

Fifthly, that which ensueth teacheth us the very finall cause, why such Instruments were first ordained, that is, to the end the acts and things therein comprised might both certainely be kept in memory, and more easily be proved: for the proof of the Instruments onely prooveth the Contracts therein contained. And therefore Instruments are a kind of proofe in all Lawes.

The forme of Instruments doth plainely appeare at full, in the description of Instruments throughout the second booke, in which you may see the manner, forme, and fashion of every kind of Instrument extrajudiciall.

Of the distribution of Instruments.

Sect. 46. INstruments therefore of their effects be either constitutive & making, or remissorie and liberatorie.

An Instrument constitutive, is such an Instrument under the proper hand of the party, as testifieth and describeth some contract of some debt or duty to be paid, or some fact to be done or performed, as an obligation, bill of debt, &c.

And of Instruments constitutive, some are creating, & some conveying.

A constitutive Instrument creating, bee those whereby any estate, property, power, or obligation, not having any essence or being before, is newly raised and created, as the first grant of a rent, common, way, &c. estate taile, for life, yeares, and such like, Warrants of Attourney, Commissions, &c.

Instruments constitutive conveying, are those by which estates, properties, or powers, being already created, are transferred and conveyed to others, As Instruments of feoffements, bargaines and sales, assignements and grants over, or surrenders, confirmations, substitutions and deputations, &c. by which estates, properties, and authorities, are conveyed over to others.

And an Instrument remissorie, is an Instrument under the parties hand, describing and testifying some precedent contract of a debt, duty, or fact to be paid, performed, done, released, or discharged: of which sort, be all acquittances, releases, and other matter of discharge.

Secondly, of the efficient cause, Instruments be either publike or private.

A publike Instrument, is an Instrument made by publike authoritie of a Magistrate or Judge, as all grants and charters of the K. Majestie under his highnesse great seale, or under the seale of the Duchie, or of any

of

of his Highnes Courts of Recoꝛd, and all deeds & charters knowledged and inrolled in any of his Majeſties Courts of Recoꝛd.

Such publike Inſtruments of their owne natures pꝛove the facts oꝛ contracts therein contained, and are of ſuch & ſo great credit of their owne natures, that they themſelves need no pꝛoofe at all.

Pꝛivate Inſtruments, are Inſtruments made betweene pꝛivate perſons, by the pꝛivate authoꝛity of the contractoꝛs themſelves only, without publike authoꝛity, wheꝛefoꝛe although they being pꝛoved by witneſſes, oꝛ otherwiſe, doe pꝛove the contracts and facts of the parties therein mentioned: yet of themſelves without ſuch pꝛoofe, they pꝛove nothing: as deeds of feoffement, obligations, acquittance, wils, &c.

Thirdly, Inſtruments be either of ſuch perſons as have naturall capacitie by birth, which every liege ſubject being boꝛne within his Majeſties dominion, hath by his nativitie.

Oꝛ by making, as every ſtranger boꝛne hath, being by act of Parliament naturalized, oꝛ made Denizen.

Oꝛ elſe of ſuch as have onely civill capacity, as of all Coꝛpoꝛations oꝛ civill bodies, & lawfull ſocietie, colledges, guilds, fraternities, fellowſhips, and companies incoꝛpoꝛate: as Maioꝛs and communalties, bailifes and burgeſſes, Deanes, and chapters, Biſhops, parſons, Vicars, &c. and all ſuch as have ſucceſſion perpetuall and take to them and their ſucceſſoꝛs.

Fourthly, Inſtruments be either ſealed and delivered, oꝛ not ſealed and delivered.

Fiftly, of their foꝛme alſo, Inſtruments be either polled, and ſingle, oꝛ indented.

A polled deed, is a deed teſtifying, that only the one of the parties to the ſame hath put his ſeale thereunto, after the manner following.

Sciant preſentes & futuri, quod ego W. W. de R. in com' C. generoſus, dedi & conceſsi, & hac preſenti charta mea confirm' T.D. de S. in eodem com' armig', unum meſuag', xx. acras terr. cum pertin' in R. præd. in pred. com. C. Habend. & tenend. tenement. pred. cum pertin' præf. T.D. hæred' & aſſignatis ſuis imperpetuum, ad ſolum proprium opus & uſum ejuſdem T.D. hæred. & aſſignat. ſuorum imperpet. Tenend. de capital. Dominis feodi illius, per ſervitia inde prius debita, & de jure conſuet. Et ego vero pref. W.W. & heredes mei tenement. pred. cum pertin. prefat. T. D. hæred. & aſſignat. ſuis contra omnes homines warrantizabimus, & imperpetuum defendemus per preſentes. In cujus rei teſtimonium huic preſent. chartæ meæ ſigillum meum appoſui. Datum 30 die Martii, Anno regni dominæ noſtræ Eliz. Dei gratia Angliæ, Franciæ, & Hibern' Reginæ fidei defenſoris, &c. 36. Anno Dom. 1594.

Theſe deeds polled, are alſo termed, Chartæ privatæ & ſimplices, becauſe

there is only one part thereof which ought to remaine with the grantee, donee, feoffee, leasee, &c.

And poll deeds may begin thus, Omnibus Christi fidelibus ad quos præsentes literæ pervenerint, W.W. &c. salutẽin Domino sempiternam. Sciatis me præfatum W.W. &c. **Or thus,** Pateat universis per presentes me W.W. dedisse, &c. **Or thus,** Omnibus Christi fidelibus præsentes literas inspecturis.

Or thus by a noble man, placing his name with all his titles of honor at the beginning thereof, Prænobilis Gilbertus Com' Salop' dom' Furnival, Verdon, & Strange de Blackmere, domi' Luttoft, nobilis equestris ordinis Garterii sodalis, Regiæquè Majestati à sacris consiliis &c. Salutem &c. Sciatis me præfat' Comitem &c. **and the like of others, &c. Or thus,** Christianis universis. presens scriptum inspecturis sive auditur' &c. **Or thus** Hæc billa testat', quod, &c.

Or thus by a Corporation. Noverint universi per presentes nos R.I. Majorem burgi de Doncast, & Communitatem eiusdem burgi, ex unanimi nostr' consensu & assensu, dedisse, &c.

Or by the Queen, or by any other King or Prince thus, Elizabeth Dei gratia Angliæ, Franciæ, & Hiberniæ, Reg. fidei defensor &c. Omnibus ad quos præsent' liter' nostr' pervener' salutem. Sciatis nos. **Or,** Sciatis quod nos &c. **Or thus** Elizabeth &c. Archiepiscop', Episcop', Ducibus, Comitibus, Baronibus, Militibus, &c. Sciatis qd. nos &c. **Or thus,** Reg. univers. & singulis Iusticiariis, & Custod' forestar', Majoribus, Coronatoribus, Eschaetor', Vicecom', Forestariis, custodibus pacis, venditoribus victual' & cariag' ac omnium aliarium rerum quarumcunq; pro expensis hospitii nostri, Constabular', Ballivis, Officiar', Ministris, & omnibus subditis nostris quibuscunque, tam infra libertatem quam extra, ad quos &c. Sciatis &c.

And in many other like formes according to the qualitie of the person, to whom her Highnesse Patents are directed. In which who so desireth to be further instructed, may plentifully be satisfied by perusing of the Register, &c.

And the sealing of the Queens letters P. are commonly concluded with these or the like words: (*viz.*) In cuius rei testimonium his literas nostras fieri fecimus patentes. Teste meipsa apud W. 3 die Maii. Anno Reg. nostri. 36.

And the unsealing of deed by a Corporation thus, In cuius rei testimonium, sigillum nostrum commune præsentibus apposuimus datum in Guildhalda Burgi prædicti, &c.

of

Of deeds indented.

A Deed indented is a deed conſiſting of two parts or more, in which it is expreſſed, that the parties of the ſame deed have to every part therefore interchangeably, or ſeverally ſet their ſeverall Seales. And they are moſt commonly made in this forme, (*viz.*) Sect. 47.

Hæc Indentura facta inter A.B. de C. in comitatu Ebor' H. ex una parte, & E.F. de G. in comitat' H. yeoman ex altera parte, Teſtatur quod predict' A.B. dedit, conceſſit, & hac preſenti charta indentat' confirmavit prefato E.F. & hered' ſuis 20 acr' terr' &c. Habend' &c. In cujus rei teſtimonium partes præd' ſigill' ſua preſentib' alternatim appoſuerũt, Datum &c. Or thus: In cujus rei teſtim' uni parti hujus præſentis Indentur. penes præfat. E.F. reman' præd' A.B. ſigill' oppoſuit, alteri vero parti ejuſdem Indentur. penes præf. A.B. reman' præf. E.F. ſigill; ſuum appoſuit, Dat. xx. die Ian. Ann' &c.

Or the date thereof may be put in the beginning of the deede thus: Hæc Indentura facta xx. die Ian. Anno regni &c. Inter A.B. &c. & C D. &c. Teſtat. &c. These deeds indented, or Indentures, and deeds Poll, may be made in the firſt perſon alſo, but are moſt uſually made in the third perſon. And in the firſt perſon be of this forme, Omnibus Chriſti fidelibus ad quos hoc præſens ſcriptum, Or præſens charta, Or præſentes literæ indentatæ pervenerint, A. de B. &c. ſalutem in Domino ſempiternam &c. Sciatis me præfat' A.B. dediſſe, conceſſiſſe, & hac præſenti chart' mea indent' confirmaſſe C.D. &c. xx. acr. terr' &c. Habend, & tenend' &c. *vel ſic*, Sciant præſentes & futuri &c. *vel* Noverint univerſi per preſentes &c. *vel* Pateat univerſis &c. quod ego A.B. de &c. dedi, cõceſſi, & hoc præſẽti ſcripto meo indentato confirmavi C.D. xx. acras terræ, &c. Habend' &c. In cujus rei teſtimon' tam ego præfat. A.B. quam præfat' C.D. his Indenturis ſigilla noſtra alternatim appoſuimus, Datum &c. *vel ſic*, In cujus rei teſtimonium uni parti hujus preſentis Indentur' ſigillum meum appoſui, alteri vero parti ejuſdem Indenturæ præfatus C.D. ſigillum ſuum appoſuit, Datum &c.

And both parts of ſuch deeds indented be the deeds of both the parties to the ſame: And every part of ſuch Indentures is the deede of either of the ſaid parties: And each part is of as much force and effect alone, and as beneficiall to either of the ſaid parties, as both parts thereof together.

These deeds indented are not only bipartite as thoſe above mentioned, but alſo may be made tripartite, that is, of three parts, or quadripartite, quinque partite or of as many parts as ſhalbe needful, in forme abovеſaid.

Mutatis mutandis, &c. as by sundry examples in this present discourse may appeare.

And these deedes indented, or Indentures, are most commonly indented or cut one of them into another. But the cutting of them in that manner onely doth not suffice to make them deeds indented, nor the calling of them so by the parties, if the putting to of the seales in some aboveſaid be not therein expressed. Thus much generally for the severall formes of deeds.

Observations necessarie for the making of Instruments.

Sect. 48. IN the forme of every Instrument it seemeth needfull to consider the substance thereof, and the adjuncts. Touching the substance, a deed doth consist of two principall parts, namely the premisses and consequence thereof.

The premises of an Instrument is the former part thereof, and is commonly said to bee all that which precedeth the Habendum or limitation of the estate.

In the premises of Instruments are principally to be considered three things:

The first the person contracting, next the thing, matter, or fact whereof the contract is to be made, and then the words with which the said contract is to be described.

The persons are the very efficient causes of the Instruments, by whose consent they are agreed upon and made.

And the persons to Instruments be either active or passive.

The active person in Instruments is he which maketh the instruments or which giveth, feoffeth, releaseth, confirmeth, granteth, leaseth, lendeth, delivereth, letteth, departeth with, covenanteth, or promiseth any thing: or shortly, he which maketh any contract or bargaine, to or with any other, and is named according to the contract: As the donor, feoffor, lessor, obligor releasor, grantor, confirmor, sellor, lendor, bargainer, &c.

The passive person in instruments, is he, unto whom the instruments be made, and which taketh thereby, who is likewise diversly named, according to the severall natures of the contracts, to or with them made.

In the persons, two things are to be heeded the capacities and names.

Touching capacity, consideration is to be had, that the active persons which should make any deeds, be persons able to doe it, namely, that they be void of all impediments, either naturall or civill: of which we have intreated before amongst contracts.

And the passive persons be such as be capable of things which should be given or transferred unto them, and voide of the like impediments, and

not

not dead persons in law, as Monks, Friers, Nuns, and such superstitious votaries.

Of the names and Additions of persons.

AND touching the names or additions of the parties to instrumẽts, it is requisite that they be certainely named by their names of baptisme and surnames, with lawfull and sufficient additions of place, estate, degree, misterie, or occupation, to distinguish them from all other persons of like name, whether such person be King, Prince, Duke, Marquesse, Earle, Vicount, Baron, or Lord, which be names of great Nobility and honor: Or he be a Knight, Esquire, or Gentleman, which for difference are termed names of lesse nobilitie or honor: Or he be a yeoman, husbandman, artificer, or labourer: Or else if it be any Ecclesiasticall person, as Archbishop, Bishop, Archdeacon, Deane, Parson, Vicar, Clerke. &c. Or if it be any Corporation, or bodie civill or politique, having Covent and common seale, as Bailiffe, and Burgesses, Maior, and Communaltie, or other brotherhood, &c. And for the avoyding of confusion and error, thus: Sciant &c. quod ego W.W. de R. in Comitatu E. gen', dedi &c. T.N. de R. in eodem comitatu Tailor &c. and such like. Sect. 49.

Of the matter and things or facts whereof instruments be made.

AND as concerning the matters, things, and facts whereof Instruments are to be described, are also to be considered two things: First the things or facts themselves, and then their necessarie circumstances. Sect. 50.

And as for the things themselves, it is to be weighed, whether the very bodies of the things themselves, be to be contracted for, as lands, or goods &c. or the right pertaining to the persõs in the use of the bodies of things: as wares, use, fruits, profits, which we take thereby.

And in things is to be noted whether they be corporall or incorporall.

Corporall things, are such as of their owne nature may be felt or seene, and they be either moveable, or immoveable.

Things moveable, are those which may be removed out of one place into another, as garments, fruits of the earth, beasts, rents, &c.

Things immoveable, be such things as cannot be removed from place to place, which be therefore called things of the soile or ground, as the very ground it selfe, and things fixed to the same, which cannot be removed without the destruction thereof: as trees planted therein, houses thereupon builded, &c.

Things incorporall be such, as by their owne nature can neither be seene nor felt, and are comprehended only by understanding, and therefore can neither be delivered nor divided: as propertie, possession, inheritance, service, advowsons of Churches, wardships, the use and fruition of things

ciuill obligations, contracts, alienations, and at a word all rights, aswell to haue the very things themselues, or the use thereof: as libertie to goe through another mans soile, common of pasture, way, libertie to hawke, hunt, or fish, and so forth, notwithstanding that the subiects whereunto they be annexed are corporall, as the soile, or corporall, yet the right to inioy, or, inherit the same incorporall.

Which things being throughly surveyed, the writer must haue speciall regard, what manner of thing is to be contracted for: whether it be honor, castle, manor, house, land, meddow, pasture, farme, parsonage, advowsō, office, parke, pond, warren, services, courts, liberties, wardships, mariages, wayes, common, or other things whatsoever, setting them downe by their apt and usuall names, if they haue any, or by such other accidents and circumstances, as may certainly describe, and distinguish them from all other, as the Towne, Hamlet, and County where the thing lieth, butting it at the ends, and binding it at the sides (if need be) and expressing in whose occupation it is or hath bin, who was the ancient owner thereof, &c. As unum messuagiū cum pertinen' in S. in com. C. vocat. Cowhall, jacen. inter ten't. I.S. ex parte Boreali, & ten'tum T.S. ex parte Australi, & abuttat. ad orientem caput super ten't. D.D. & ad occident. caput super ten't. L.T. quæ nuper perquisivi mihi, & hered' meis de N.N. & nunc sunt, vel nuper fuer. in occupatione S.T. vel assignat. suor. &c. expressing all things certainly with apt significant words, and therein eschewing all Metaphoricall, figurative, and borrowed speeches, and all words of divers or doubtfull significations.

What words are to be used in the making of Instruments.

Sect. 51. Such words must be used in every Instrument, as the nature of the contract doth require: As in Feoffments, Feoffavi, dedi, or Concessi, &c. In a Releas, Remisi, or Relaxavi, &c. In a confirmation, Confirmavi, Ratificavi, &c. In bargaine and sale, Barganizavi & Vendidi, &c. So of other in the premisses, and like with such words as be requisite, and are expressed in other parts of the deeds.

Of the consequence of Deeds.

Sect. 52. Thus much touching the premisses, or first part of Instruments.

Now let us enter into consideration of the consequence or sequele thereof. The latter part of Instruments, and consequens thereof is all that necessarily follow the premisses, and that is the Habendum, in which is limited and expressed what estate or properties the partie passive shall haue: as fee, taile, &c.

And that is twofold, namely the limitation of the state, and of thuse.

The limitation of the estate is to limit and expresse in certaine, what estate the party shall haue in the thing contracted.

The

The limitation of Vſe is to expreſſe in the ſaid Habend. to or for whoſe uſe and benefit he ſhall have the ſame eſtate, receiving withall the things granted by ſome ſufficient generall name: Habend' & tenend' præd' maner' imperpet. (if a manor be granted in the premiſſes) præd. meſuag. cũ pertin. or ten'ta. pred. cum pertin. as the caſe requireth, pref. & hæred. & aſſign. ſuis imperpet. ad opus & uſum præd. I. S. hæred. & aſſignator. ſuor. imperpet.

Of the adjuncts or accidents of Inſtruments.

Thus are the eſſentiall parts of Inſtruments diſcuſſed. The adjuncts now come in place. Sect. 53.

Wherin are all things which come to the Inſtruments beſide the eſſentiall parts thereof, which likewiſe be of two ſorts: for either they be adjuncts common to either of the ſaid parties, or proper to the one part only. Adjuncts common are two, the date of deeds, and the conſideration of the contract.

Of the date of deedes.

The date is the deſcription of the time in which the deed was made, which is done either by the year of the Lord, or the yeare of the Princes raigne, & it ought either to be placed in the beginning of the premiſſes, or in the end of the conſequence, of which ſee examples thereof enſuing. Sect. 54.

Of the cauſe of conſideration of Deeds.

The conſideration of inſtruments is the motive cauſe, for which the inſtruments are made, as money or other goods, affection naturall or ſuch like, which is moſt commonly and in my conceit moſt aptly expreſſed in the premiſſes, and which nevertheleſſe may be put in the conſequence, and in many caſes be omitted. Of both examples hereof are many in the ſecond Booke. Sect. 55.

Of Adjuncts proper to the conſequence of Inſtruments.

Adjuncts of the conſequence of Inſtruments are ſuch as are moſt commonly ſet downe after the Habend. And they be of divers ſorts, Sect. 56.

As the reſervation, redd', if any rent, ſuit, or ſervice be reſerved.

The reentrie.

The nomine penæ.

The clauſe of diſtreſſe.

The tenend', ſhewing the land is holden touching things inheritable.

The clauſe of warranty generall, or ſpeciall, or particular.

The exceptions out of whole things.

The conditions and proviſoes.

All Covenants are to be made of either ſide according to every ſeverall Contract.

As

As to be saved harmeleſſe or discharged, to be seised in fee, &c.
To have power to sell.
To be owner of the tenements or chattels sold.
To make further assurance.
To be seised to the alienees use.
For quiet enjoying, &c.

And every other necessary covenant according to the nature and quality of the thing or fact, whereof the contract is made, and the manner of the contract made: Regarding heedfully all circumstances of the place, person, occasion, thing, maner of doing, cause, exception, condition, according to the true meaning, and agreement of the parties curiously without prejudice, partialitie, or favour to either of them.

Then followeth the drawing of such Instruments in forme after some president ensuing, as the quality of the fact or contract craveth: whether it be a feoffement, grant, release, &c. or any other instrument.

Then must such first draught be circumspectly examined, perused, concluded, and agreed upon by the parties or their counsell.

When such draught is so agreed upon, then it is to be faire written and ingrossed in paper or parchment, without blotting, rasing, enterlining, writing every word plainly at length, without any abbreviations, ciphers, signes, or notes, which may breed any scruple or doubt.

Then they must be warily and precisely read over, and examined twise or thrice at the least, lest any thing be inserted, detraced, omitted, altered or mistaken, differing from the parties good meaning.

For Instruments once sealed and delivered, may be altered or amended in nothing.

All things being thus dispatched, the Instruments are to be subscribed by the parties.

And by them sealed with hard wax like to continue long.

And when Instruments are sealed and subscribed, they must be openly read & published in the hearing of divers substantiall credible witnesses, and afterward delivered in their presence, as the acts and deeds of the parties.

These things so finished, the sealing and deliverie of such deeds must be certified upon the backe side thereof, or in some other convenient place thereof, thus: Sealed and delivered in the presence of A. B. C. D. E. F. &c. and chuse alwaies such young witnesses which can subscribe their owne names if you can get them.

Deeds in old time were wont to be delivered in the presence of men of greatest credit and worship that could be gotten: and many times in open Courts, or great assemblies of people, for credit and proofe.

The end of the first Booke.

The firſt part of Symboleography, containing Inſtruments Extrajudiciall, Agreements, Covenants, Contracts, Grants, &c.

ALthough by order we learne how to doe things, and then put the ſame in practiſe, yet the very actions themſelves are worthily deemed farre more excellent and honourable than the bare knowledge thereof: by ſo much as the end is more precious than all the meanes by which the ſame is attained.

For as in ſchooles in vaine ſhould children ſpend their time in learning the rules of Grammar, touching either the Etymologie or Syntaxis thereof, if they did not after apply their knowledge to the uſe of ſpeaking and writing.

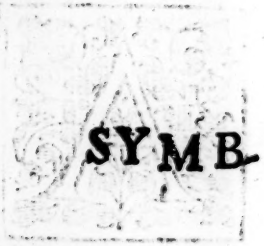
And as Phyſitians ſhould unprofitably ſtore themſelves with the underſtanding of the ſeveral natures and properties of hearbes and roots, and other ſimples, or of the Art of Phyſicke, if they did not ſhew us the uſe and fruit thereof in curing diſeaſes, and reſtoring health: ſo doubtleſſe the doctrine of all other arts & Sciences, is idle and barren, if uſe and practiſe be not therewith conioyned. And therefore we alwaies account thoſe things which are wrought by Art, of farre more paſſing excellency than we doe the Art it ſelfe.

Neither doth any doubt, that it is harder to practiſe an Art, than only to practiſe the Theorike part thereof: For neither they which know the ſeverall kindes and meaſures of verſes, with the lawes of verſifying, are thereby ſtraightwayes Poets: nor they which have learned by heart all the tropes, figures and precepts of Rhetoricke, are by and by Orators: for to their knowledge they muſt needs couple long uſe and exerciſe before they win the names of perfect Poets, or eloquent Orators.

Even ſo it ſufficeth not for a Notarie to know onely what inſtruments and

and contracts ſhee, what things and acts they may be made of, and by what perſons, with ſuch other generall notions. For ere he be worthy that name he muſt throughly know the ſeverall tenors and formes of every ſpeciall inſtrument in each kinde of contract and buſines.

Wherefore as heretofore I have generally in ſome meaſure layd downe the doctrine of inſtruments: ſo in theſe which follow, I intend to ſhew certaine formes of every kinde of Inſtruments, as they have heretofore long time beene uſed, and approved by learned men of great experience: from whoſe ſound examples therein, I think it not good raſhly to ſwerve, becauſe it is a farre ſurer courſe, to retaine thoſe certaine formes which continually have beene many years put in ure, then to deviſe new: For that, time, who is the touch-ſtone of all Arts, hath confirmed theſe.



Of Covenants, Articles, Promiſes, Contracts, *and Arguments, &c.*

AND for ſo much as Covenants are inſerted into all manner of Inſtruments I thinke it good firſt to ſhew examples thereof, having defined what manner of Inſtruments they be. An Inſtrument of Covenants therefore is a formall deed containing an agreement of divers perſons, whereby the one doth promiſe or covenant with the other to doe or omit ſome act or acts, thing or things, in ſuch ſort as they have concluded thereof amongſt themſelves, and they are moſt commonly made with theſe words following, or the like in effect. Sect. 57.

The words wherewith Covenants be made or written.

THis Indenture made &c. Betweene A.B. of C. &c. on the one party, and C.D. of &c. on the other party, Witneſſeth, that the ſaid A.B. for himſelfe, his heirs, executors, and adminiſtrators, and every of them, doth by theſe preſents covenant, grant, promiſe and agree to and with the ſaid C.D. his heires, executors, and adminiſtrators, &c. and every of them that the ſaid A.B. (expreſſing the thing agreed upon by apt words.) Sect 58.

Or thus betweene two and two.

Witneſſeth, that the ſaid A.B. and C.D. doe by theſe preſents, for themſelves, and either of them, and the heires, executors, and adminiſtrators of them, and either of them, and every of them covenant, grant, promiſe, and agree, to and with the ſaid E.F. and G.H. and either of them, and the heires, executors, and adminiſtrators of them, & of either of them, and every of them, that they the ſaid A.B. and C.D. &c.

Or thus betweene three and three.

Witneſſeth, that the ſaid A.B. C.D. and E.F. for themſelves, and every of them, and the heires, executors and adminiſtrators of them and every of them, doe by theſe preſents covenant, grant, promiſe, and agree, to, and with the ſaid G.H. I.K. and L.M. and every of them, and the heires, executors, and adminiſtrators of them, and every of them, That if it happen, &c.

Cove-

Covenants betweene Executors, where the one granteth the goods to the other, being bound to performe the Will.

Sect. 59. THis Indenture made &c. Betweene R. S. and Y. P. &c. Witnesseth, that whereas T. S. now deceased, late brother of the said R. in his life time did make his last will and testament in writing, and therein made & ordained the said R. and J. then wife of the said T. and now wife of the said Y. executors thereof as by the said testament and last will appeareth. And where also the said Y. and J. have and enjoy not onely all such goods and chattels which the said T. did give and bequeath unto the said J, but also all plate, money, and all other goods and chattels which were of the said T. S. at the time of his decease: the said parties to these present Indentures beene condescended and agree in manner and forme following: that is to say, The said Y. P. for him, his executors and administrators, and every of them doth covenant &c. to and with the said R. S. his executors and administrators & every of them by these presents, that he the said Y. and J. his wife, or one of them, or the executors, administrators, or assignes of them, or one of them, shall and will content and pay or cause to bee payed unto the said R. S. his executors, or administrators, or to the executors of the survivor of the said executors fortie pounds of &c. within six months next after the full age of O. & Y. S. sons of the said T. S. or of either of them if they or either of them shall so long live, or else within one yeare next after the decease of the survivor of the the said O. and Y. if both the said O. and Y. S. shall die before either of the shall come to, and be of his said full age. Provided alwaies, and the said Y. P. for him &c. doth covenant &c. that if the same J. now wife of the said Y. P. shall depart this present life before the said O. and Y. S. or either of them shall come and be of his said full age, and the said O. and Y. S. or either of them surviving the said J; That then the said Y. P. his heires, &c. shall content and pay, or cause to be contented and paid unto the said R. S. his executors or administrators, or to the executors of the survivor of the executors of the same R. S. the summe of xx l. &c. within one yeare next after such decease of the said J. And over this, the said Y. P. for him &c. doth covenant &c. that the said Y. P. and J. his wife and their executors, administrators, and assignes, and every of them, of his, her, and their proper costs and charges, during the mariage betwixt him the said Y. and the said J. shall well and sufficiently sustaine, and maintaine the houses & buildings, which be set and builded upon such customarie lands and tenements in W. in the said county of N. which the said Y. P. and J. in the right of the said J. now have and doe hold for terme of life of the said J. And that he the said Y. P. and J. nor either of them shall doe no manner of wast in or upon the said customarie lands and tenements, or any

any parcell thereof. And alſo where the ſaid H. P. together with I. W. of S. & I. D. of W. by their writing obligatorie do ſtand jointly & ſeverally bound unto the ſaid R. S. in one hundred pounds of good &c. with & upon condition thereupon indorſed for the true performance of the covenants, grants, payments, & agreements contained in theſe preſent Indentures, on the part of the ſaid H. P. his heires, executors, adminiſtrators, and aſſignes, or any of them to be performed, paid, or kept, as by the ſaid writing Obligatory, and condition aforeſaid, more plainly it doth & may appeare: The ſaid H. P. for him &c. doth covenant &c. to and with the ſaid R. S. &c. that if any two of the perſons bound in or by the ſaid writing obligatorie, or any two of any other perſons hereafter to be bound, in, or by any other writing Obligatorie to be made for the ſame purpoſe, ſhall die, & depart this preſent life before all the covenants, graunts, articles, payments and agreements, in theſe preſent Indentures contained ſhall be well and truly performed and kept, that then the ſurvivor of the perſons bound by any ſuch writing Obligatorie, ſhall with two other ſufficient ſureties within two yeares next after ſuch departure or death as is laſt aforeſaid, by their ſufficient and lawfull writing Obligatorie become jointly and ſeverally bound to the ſaid R. S. his executors or adminiſtrat. or to the executors of the ſurvivour of the executors of the ſaid R. S. in the ſumme of &c. with & upon condition in effect as is aforeſaid and ſo often to find and lay in ſuch bonds with ſuch ſurettes as is aforeſaid, as any ſuch death or deaths as is aforeſaid, ſhall happen as is before declared, during the ſaid time. And over this the ſaid R. S. for him &c. doth covenant to and with the ſaid H. P. &c. that he the ſame R. S. his &c. ſhall acquite, diſcharge, and from time to time for ever ſave harmeleſſe the ſaid H. P. and J. his wife, & either of them, & all the executors, adminiſtrators, and aſſignes of them, and either of them, againſt the ſaid G. T. and H. S. and either of them, of all and ſingular legacies, gifts, and bequeſts which the ſaid T. their father did by his laſt will and teſtament give and bequeath to the ſame G. T. and H. S. and either of them. In witneſſe whereof, &c.

Of Covenants to ſue Statutes.

THis Indenture made, &c. betweene R. E. and W. P. on the one party, and R. B. on the other partie, witneſſeth, that whereas the ſaid R. is lawfully intituled to a certain deed obligatorie, made by the ſaid W. P. according to the ſtat. of Acton Burnel, and acknowledged &c. before H. A. then Maior of the city of C. unto P. D. in the ſum of &c. commonly called a ſtatu. merchant, by meane whereof, the ſaid W. P. at this day, is, and for Sect. 60.

for a long time hath bin grieved. For the better helpe and ease whereof, and for divers other considerations, the said parties and every of them moving, they are condescended and agreed, in manner and forme following, that is to wit: The said W. and R. and either of them, are well pleased, contented and agreed, and further covenant and grant, to, and with the said R. that what time it shall please the said R. and as oft, and at all and every time and times, as he shall so please, and when he shall think it most to him convenient to sue forth execution, upon the said stat. merchant, and to doe his best, and uttermost endevour for the obtaining of the same, and also to extend all and singular the lands and tenements which were the said W. P. at the time of the making of the said sta. merchant, or at any time since, as far forth, and in as ample manner and wise as the lawes, usages, and customes of this realme will beare and permit, that the said W. and R. nor any of them, shall not in any wise hinder, let, or gainesay the same. And the said R. covenanteth &c. that he the said R. shal upon the same execution sued, further use, doe, extend and shew all suchfav our unto the said W. in respect of the imprisonment of his person, as he lawfully may, and as by the same R. and W. or their learned counsell, or the learned counsell of either of them shalbe devised or advised, so that the same be not hurtfull nor prejudiciall to the said execution, nor may be deemed or construed a good and sufficient matter, to avoid and frustrate the same. And further, the said R. doth &c. that he shall and will from time to time, and at all and every time and times, as he shalbe reasonably required, by the said R. his &c. and after that the said R. hath extended or caused to be extended, such lands &c. or any part or parcell thereof, as at the time of the knowledging of the said sta. or at any time sithence, were the inheritance of the said W. and now be the lands and tenements of the said R. and in his seisin and possession, give, grant, &c. all & every the said lands &c. unto the said R. and his &c. to have and to hold them during all such term, and time as the said R. should have by the laws, statutes, usuages, and customes of this and in the premisses, by the force of the said stat. and extent, and to do, sucker, and make, seale and deliver all such assurances in the law; for that purpose as shalbe devised or advised by the said R. or his assignes or his or their learned counsell, at his or their proper costs &c. in the law. And also the said R. doth covenant &c. that afterwards he the said R. by vertue of the statute aforesaid, shall have such lands &c. in execution, which at the foresaid time of the knowledging of the said statute merchant were the inheritance of the said W. P. set, lying, or being in W. in &c. To have and to hold to the said R. and his assignes during all such terme and time, as the said R. shall be lawfully intituled by the said execution, to have the same. And also the said R. doth covenant &c. that he nor they, shall doe

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no act nor acts, thing or things, to avoid or fruſtrate the foreſaid grants, and aſſignements, or any of them to be made unto the ſaid R. and his aſſignes, of the premiſſes, in manner and forme aforeſaid, after that the ſame be had and made, to the ſaid R. and to his aſſignes, as is aforeſaid: And the ſaid W. and R. in conſideration of the favor which the ſaid R. hath in theſe Indentures covenanted to ſhew, doe, ule, and extend unto the ſaid W. as afore appeareth. And alſo in conſideration of the ſaid grant to be made unto the ſaid R. as likewiſe is afore expreſſed, whereby the ſaid W. ſhalbe defended from ſundry damages, the ſaid W. and R. and every of thē, covenant &c. to pay to the ſaid R. his executors or aſſignes, the ſum &c. in manner and forme following, viz. 20. marks by yeare, yearely, by the ſpace of 5. yeares, next enſuing at 2. tearmes in the yeare, to be nominated and appointed by the ſaid R. and 10. li. the next yeare immediately following the ſaid 5. yeares, at 2. termes as aforeſaid. And the ſaid W. and R. doe covenant, that he the ſaid R. for the true and good payment of the ſaid ſum of &c. to be contented and paid, as aforeſaid, ſhall and will charge all and ſingular his lands and tenements, which he hath in the ſaid county of C. and to doe all and every act and acts, thing and things, for, and to that purpoſe, convenient and appertaining, from time to time, as ſhalbe deviſed, or adviſed, by the ſaid R. or his learned counſell, at the proper coſts and charges in the law, of the ſaid R. And alſo the ſaid W. and R. do covenant and grant, for them, and every of them, to & with the ſaid R. from time to time, to beare and pay the moity and one halfe of the charges in the law, which the ſaid R. ſhal be put to in the ſuing forth of the ſaid execution, and extent. And alſo the ſaid W. and R. doe covenant &c. that the ſaid R. at the requeſt of the ſaid R. ſhalbe of counſell with him, in the ſuing forth of the ſaid execution and extent, and labour and travell with him in the ſame, as appertaineth to a counſellor. And the ſaid R. doth covenant &c. to inlarge, & diſcharge the ſaid W. out of priſon, where he now remaineth, at the requeſt of the ſaid W. and R. or either of them. And for the full and true accompliſhment of all & ſingular covenants, grants, agreements, and articles mentioned in theſe Indentures: every party covenanteth to other to ſtand bound in their ſeverall deeds Obligatory, in the ſumme of &c. bearing date with theſe preſents. In witneſſe whereof, &c.

Covenants to diſcharge Executors, and procure releaſe.

THis Indenture made &c. Betweene I.S. on the one party, and C.B. late wife of R.B. deceaſed, and executrix of the laſt will, and teſtament of the ſame R.B. of the other partie, Witneſſeth, That where the ſaid R.B. was in his life time put in truſt, as one of the feoffes of I.S. Eſquire deceaſed, to leavie and receive the profits of certain lands and te- Sect. 62.

nements to the same feoffees assured, for certaine sums of money, to the use, and for the preferment of the marriage of E. D. I. E. & A. S. five of the daughters of I. S. and by vertue thereof hath received and levied the summe of &c. and hath in, and out of the same disbursed &c. to the use of the said severall daughters, as in a scedule annexed to these presents appeareth, and so had remaining in his hands, at the time of his death, and wherewith the said C. as executor, to the said R. B. resteth chargeable & answerable to the said severall daughters in the summe &c. And whereas the said I. S. brother to the said M. E. A. and I. as he affirmeth, hath disbursed and paied for the preferment of the marriage of the said I. lately married to T. H. the summe of &c. and is to receive the same againe of her portion, and thereby claimeth and demandeth of the said C. B. the said summe of &c. and which the said C. B. upon reasonable discharge, is agreed to pay, the said I. S. doth first by these presents, not only confessing and acknowledging, that the day of the insealing of the same, he hath received and had of the said C. B. the summe of &c. to the use of the said I. his sister, or such other his sisters, as the same of right is due unto, and thereof and of every part thereof, doth acquite and discharge the said C. B. her executors and administrators, but also doth confesse and acknowledge, that he hath taken and received of the said C. B. a full and perfect accompt of all the receipts of the said R. B. and all that they disbursed, and upon the same justly and truly made, as in the said scedule annexed appeareth, acknowledgeth the said summe of &c. and no more remaining in the hands of the said C. B. as executrix of the last will and testament of the said R. B. And the said I. S. doth further covenant and grant for him, his executors, & administrators by these presents, that the said I. S. his executors, administrators, or assignes, shall not onely discharge, defend, and save harmelesse the said C. B. her &c. aswell against the said M. I. E. and A. and every such person and persons, as now hath, or hereafter shall marrie any of them, their, and every of their executors, & administrators, as also against Sir W. B. knight, and the executors of H. L. Alderman deceased, and others the feoffees of the same I. S. deceased, of, and from all suits and demands, and all charges thereby to be sustained, which shalbe prosecuted against her, as executrix of the said R. B. deceased, for and concerning the having and receiving of the said summe of &c. or any part or parcell thereof, but also shall procure to be sealed and delivered to the said C. B. within one yeare next ensuing the date thereof, a lawfull and sufficent generall acquittance from all and every such person and persons, as lawfully can, could, or might claime, aske, or demand, any part or parcell of the said summe of &c. by the said R. B. as is aforesaid received, and by her to the said I. S. paid. In witnesse whereof, &c.

Covenants.

Covenants to prosecute suit.

THis Indenture &c. betweene I.B. and I.P. of &c. & G.R. on the other partie, Witnesseth, that whereas about the 30. yeare of the Queenes Majesties raigne that now is, a certaine offence, pyracy or robberie was committed upon the Seas upon the goods and merchandize of one P.P. and W.D. in the good ship called the Magdalen by divers persons, whereof certaine for the same offence were executed, and certaine yet remaine and stand indicted, as by the record of the Court of, &c. more at large doth appeare. Now therefore it is covenanted and agreed betweene the said parties to these presents, in manner and forme following: that is to say, The said I.B. for him &c. covenanteth, that the said I.B. from time to time upon the request of the said I.P. shall not only by the authority and power to him made by the said I.P. and W.D. or otherwise, attach, imprison, and prosecute in due order of Law, as the said I.P. shal direct him, all and every the person and persons, or any of them which stand indicted for the said offence, and all and every offender and offenders touching the pyracie, and their accessories, and every of them: but also shall be aiding, assisting, counselling, and helping the said I.P. in all and every act, thing, and device that the said I.P. shall lawfully goe about to doe, perpetrate, or execute, about, touching or concerning the said premises, or any of them. And that the said I.B. his executors or assignes shal not at any time hereafter release, or otherwise discharge any of the persons standing indicted for the same offence, or any accessory to the same offences, nor any offendor or offendors which was at the same robbery, nor do, perpetrate or commit, or willingly suffer any thing or things to be done touching the premises, or any of them, or any matter, action, agreement, or other thing touching the premises, or the persons indicted for the premises, or others, concerning the said offence, without the consent, writ agreement of the said I.P. and G.R. their executors, administrators, or assignes, first had and obtained in writting, under their hands & seales for the same. And moreover, if it so be, that any agreement shall be had for the premises, or any of them, or otherwise howsoever by meanes or colour of the offence aforesaid: that the recompence, summe or summes of money, or other thing upon such agreement paied and received, shall be divided into three equall parts, whereof one part thereof the said I.B. shall keepe and detaine in his owne hands for his owne part thereof: The second part thereof he the said I.B. his executors, or administrators, shall pay to the said I.P. his executors, &c. within 4. daies after the receipt thereof in the Church of B. &c. And the 3. part thereof the said I.B. shall pay to the said G.R. &c. In consideration of all which premises, the said I.P. for him &c. covenan-

Sect. 62.

teth the ſaid I. P. for him &c. covenanteth &c. to & with the ſaid I. B. his executors & aſſignes by theſe preſents, that he the ſaid I. P. his &c. ſhall beare and diſcharge all coſts, charges, and expences that ſhall hereafter be diſburſed, paid, or expended, in or about the proſecuting of the premiſſes, or any of them, at all and every ſuch time and times, as the ſame ſhall be diſburſed and paid from time to time. In witneſſe, &c.

Covenants to ſurrender Copyhold lands.

Sect. 63. THis Indenture made betweene T. P. R. S. &c. Witneſſeth, That the ſaid T. P. in conſideration of 120. pounds &c. doth for himſelfe &c. covenant &c. that he the ſaid T. or his heires, before the feaſt of E. next enſuing the date hereof, ſhall and will according to the cuſtome of the manor of S. in the ſaid county of Y. ſurrender into the hands of the Lord of the ſaid manor, all thoſe Copihold lands, tenements, medowes, paſtures, and hereditaments, within the Soke of E. aforeſaid, now or lately in the ſeverall tenures or occupations of R. L. H. P. R. B. and D. C. or of any of them, or of the aſſignes of them, or of any of them, which now be, or heretofore have bin the lands &c. of the ſaid T. P. or of I. P. his late father deceaſed, to the uſe and behoof of the ſaid R. S. his heires and aſſignes for ever, according to the cuſtome of the ſaid manor of S. And that he the ſaid T. P. and his heires, ſhall and will at all and every time and times hereafter, well and ſufficiently doe, make, knowledge, finiſh, and execute, all and every ſuch further reaſonable act and acts, thing and things, deviſe and deviſes, conveiance and conveiances, ſurrender and ſurrenders, aſſurance and aſſurances in the law, of the ſaid tenements and premiſſes, with the appurtenances, for the abſolute, good, and perfect aſſurance and conveiance of all the ſaid tenements & premiſſes, with the appurtenances, to the ſaid R. his heires and aſſignes for ever, according to the ſaid cuſtome of the ſaid manor of S. without any manner of condition thereunto annexed, as ſhalbe deviſed, adviſed or required by the ſaid R. S. his heires or aſſignes, or by his or their or any of their Counſell learned in the lawes of the Realme &c.

Hereunto may be added ſuch other covenants for the delivering of copies: and being ſeiſed in fee, according to the cuſtome, and for quiet enjoying, and ſaving harmeleſſe of incumbrances, &c. as beene uſed in the ſale of charter lands, Mutatis mutandis: or in the Conditions or Obligations for ſuch purpoſe &c.

Covenants touching the aſſignement of Executorſhip.

THis Indenture &c. Betweene W.C. &c. executor of the laſt will and teſtament of S.I.G. deceaſed, of the one party, and T.C. of the other partie, Witneſſeth, that where the ſaid S.I.G. did by his laſt will and teſtament, bearing date &c. make, conſtitute, ordaine, and appoint the ſaid W.C. his ſole executor of his laſt will and teſtament: Now the ſaid W.C. for diverſe good cauſes and conſiderations him ſpecially moving, hath given &c. unto the ſaid T.C. his executors and aſſignes, all and ſingular the goods, chattels, leaſes, implements, & utenſils of houſhold, debts, duties, and credits, which were to the ſaid I.G. at the time of his death, other than ſuch goods, chattels, and implements of houſhold ſtuffe, onely to the value of &c. as bin aſſigned and appointed to dame A.G. late wife of the ſaid I.G. in ſatisfaction of &c. to her covenanted to be paied. And alſo other than all ſuch goods, chattels, and debts, and other things of the ſaid Teſtator, as the ſaid W.C. hath heretofore adminiſtred, extinguiſhed, and releaſed, being contained in the ſcedule Indented, hereunto annexed. To have and to hold &c. (except before excepted) to the ſaid T.C. his executors and aſſignes, in as large and ample manner and forme, as he the ſaid W.C. the day of the date of theſe preſents, hath or by any lawfull wayes or meanes might or ought to have the ſame. And the ſaid W.C. doth alſo by theſe preſents grant and authorize, as much as in him lyeth, and doth conſtitute, make, ordaine, and appoint the ſaid T.C. to be his true and lawfull attorney, to arreſt, ſue, and implede upon juſt cauſe, and to defend and anſwere in lawfull wiſe, in the name of the ſaid W.C. or any his executors or adminiſtrators, all and all manner of juſt and lawfull actions, ſuits, proſecutions, and demands, that at any time hereafter ſhalbe brought and commenced in the name of the ſaid W.C. or any his executors, either by the meanes of the ſaid T.C. his executors or aſſignes, or againſt the ſaid W.C. as executor of the ſaid S.I. or any his executors or adminiſtrators for any matter or cauſe, in any wiſe touching or concerning the ſaid W.C. by reaſon of the executorſhip of the ſaid S.I. or by reaſon of the ſaid laſt will and teſtament, or any thing therein contained, without the voluntary revocation, nonſuit, or denial of the ſaid W.C. or any his executors or adminiſtrators, and without any account yeelding unto the ſaid W.C. his executors or adminiſtrators, or any of them, for the ſame, at any time. And further, the ſaid W.C. doth covenant &c. that the ſaid W.C. his executors &c. or any of them, ſhall not at any time hereafter releaſe, acquite and diſcharge any perſon, for any debt, or dutie, due to the ſaid S.I. except he or they be enforced, ordered, or adjudged by any ſentence, judgement, order or decree Sect. 66.

to be had or made by any Court in this Realme, Ecclesiasticall or temporall, nor wittingly or willingly shall doe any other or further act, or thing, in any wise touching or concerning the execution of the said last will and testament, or any part thereof, or the revocation of those presents, without the assent, advice, or consent of the said T.C. his executors or administrators. And the said T.C. for the considerations afore in these present Indentures specified, covenanteth for &c. that the said T.C. his executor &c. shall and will, at all time and times hereafter, sufficiently acquite, discharge, or upon knowledge given, save harmeless the said W.C. his heires, and executors, of, and from all maner of actions, suits and demands, whatsoever it be, by reason of the said last will and testament, or by colour or cause of any administration, medling, or dealing, of, or with the said goods, chattels, or other things of the said Testator, or by reason of any action or suit, to be had and prosecuted in the name of the said W.C. or his executors, by the meanes or procurement of the said T.C. his &c. or by reason of any other action or suit to be had and stirred against the said W.C. or his executors, as executors of the said S.I. shall at any time hereafter, by any wayes or meanes, happen to come, arise, or to be commenced or prosecuted against the said W. or his executors touching or concerning the same, or else at the least within one moneth next after knowledge had by the said T. his executors or administrators, of any trouble or suit hereafter happening to the said W.C. his executors or assignes, by reason or occasion of any the said executorship, administration or causes abovesaid, shall recompence and allow him such charges as he shall fortune or necessarily be occasioned to sustaine and be at, by reason of the said suite or suites, or causes abovesaid. Any article or thing in these presents mentioned to the contrary notwithstanding. And the said T.C. for him &c. doth covenant &c. That he the said T.C. his executors or assignes, shall and will, at all times hereafter, pay or discharge all legacies and all other things specified and contained in the last will and testament according to the true intent and meaning thereof, other then the legacie of the said W.C. and the legacie of I.G. second son of the said sir I.G. In Witnesse, &c.

Covenants for speedy triall, and quiet and indifferent occupation in the meane time.

Sect. 65. THis Indenture made &c. Witnesseth, that whereas heretofore diters controversies, suits, and troubles have risen, and yet be betwixt the said parties, of, about & concerning one farme, lying and being in H. within the township of A. in the county of D. in the tenure & occupation of the said T.R. To which farme the said F.R. maketh claime and pretendeth title

title and right: to the intent that the foreſaid pretended title and right, in, and to the foreſaid farme may quietly be tryed betwixt the ſaid parties in ſome of the Queenes Courts, according to the lawes of this Realm, with as much ſpeed as the law will the ſame permit and ſuffer without any delay to be ſought or had by either of the ſaid parties, & to the end that favor, friendſhip, and neighbourly love might be in the meane time continued betweene the ſaid parties, their ſervants and families, and that all unlawfull & forcible attempts, entries, & breaches of the Peace may be eſchewed, and all other enormities and harmes that thereupon might grow and come, eſcaped; It is covenanted &c. and either of them for himſelfe &c. doth covenant &c. that all the hay that is or ſhall be gotten, in, and upon the ſaid farme in this next hay harveſt, ſhall be mowed, made, and inned at the indifferent coſts & charges of both the ſaid parties, and by their mutuall conſents, agreements, and commandements, laid in ſome one convenient place for the preſervation of the ſame within the ſaid farme, without all covin and deceit. And that all the ſaid hay ſo inned and placed (as is aforeſaid) ſhall there remaine indifferently and ſafely kept unoccupied by either of the ſaid parties, their &c. untill ſuch time as the ſaid pretended title and right be throughly & lawfully tried and knowne betwixt the ſaid parties, their &c. and then the ſaid Hay to be delivered to him or them, their &c. according to their ſeverall rights therein, without all covin. And alſo that they the ſaid parties ſhall and may occupy and eat all the graſſe growing, in, and upon the ſaid farme, with their beaſts and cattell together in common and undivided, without any diſturbance or let had or made by the one of them to the other of them, and without any diſturbance or let to be made by theirs &c. of th'one of them to theirs &c. of the other of them, untill the ſaid pretended right and title unto the ſaid farme, ſhall be fully & lawfully diſcuſſed, tried, & known betwixt the ſaid parties, their &c. according to the lawes of this realme. And then and after the ſaid title and right fully and lawfully tried and ended by the lawes of this realme, that it ſhall and may be lawfull to and for the ſaid parties, or either of them, their heires or aſſignes, To have &c. the ſaid farme, with the appurtenances to them, their heires or aſſignes, or the aſſignes of them, or either of them for ever, according to his or their right and title ſo to be tried and found, without any further ſuit or trouble. And alſo that this agreement nor the indifferent poſſeſſion of the ſaid farme to be occupied as is before expreſſed, ſhall not at any time hereafter be prejudiciall or hurtfull to either of the ſaid parties their heires or aſſignes, touching or concerning the trials of their titles and rights, or the title, right and poſſeſſion of either of them, nor that the one ſhall take or ſeeke any advantage in the law thereby againſt the other. But that either of them ſhall & may have & take like

advantage in the law of this land, th'one against the other, in as ample and large manner, and in none otherwise or manner, than as though there had never beene any such order or agreement, or occupation of the said farmes made or taken between the said parties, their heires or assignes: any thing in this present Indenture to the contrary notwithstanding. And also that the said T.R. and F.R. and either of them, their heires and assignes shall further and haste with as much speed as in them, or either of them is and may be done, had, and suffered by the law of this realme, all and every such action, suit, or complaint, as is or shalbe commenced and begun betweene them, their heires or assignes, for the speedier & better triall of the said pretended right, title, or possessiõ of the said farm, all delaies in the said suit, actiõ or cõplaint set apart. And also that some one actiõ shalbe agreed upon between the said T.R. & F.R. wherein the said F.D. shalbe plaintife or demandant, by the advise of both their learned councell in the law, whereby the said pretended right and title of the said farme may be best and most speedily tried and found out, according to the lawes of this realme, without all covin. And that the said T.R. and F.R. shall behave themselves friendly and lovingly th'one towards the other, by & during all the time of the said triall, according to the laws of God, and this realme. And that for the better performance and fulfilling of all and singular covenants, grants, and agreements contained & specified within these present Indentures, according to the true meaning thereof, either party shall be bound to other in the summe of 400 l. of lawfull English money. In witnesse, &c.

Covenants to make assurance.

Sect. 66. THis Indenture, made &c. Witnesseth, that the said G. for and in consideration of &c. doth for himselfe &c. covenant &c. that he the said G. and his heires, and M. now his wife, and every of them at all and every time and times hereafter &c. shall and will do, make, knowledge, finish and execute all and every reasonable act and acts, thing and things, conveiance and conveiances, assurance and assurances in the law, for the good and perfect assurance, surety, sure making and conveiance of all and singular those messuages &c. whereof or wherein the said J. was ever in his life time seised of any estate of inheritance, to the said C.B. his heires or assignes & to such other person & persons & his & their heires, &c. to his & their only uses, unto whom the said G. & A. his late wife deceased, or either of them have heretofore alienes, or by any other waies or meanes whatsoever conveied or assured the said tenements or any part thereof, as by the said G.B. his heires or assignes, or by the said such other person and persons their heires & assignes unto whom the said G.B. and A. or either of them

them have ſo (as is afoꝛeſaid) altened oꝛ conveied the ſaid tenements, oꝛ any part thereof, oꝛ as by R.W. and T.H. oꝛ the ſurvivoꝛ of them ſhall be reaſonably deviſed oꝛ adviſed. So that the ſaid ſeverall aſſurances oꝛ conveiances, noꝛ any of them extend not to bind him the ſaid C. oꝛ his heires oꝛ any of thē, to any further oꝛ other warranty, than onely againſt them their heires and aſſignes. And ſo that the ſaid C. noꝛ his heirs be not inforced to travell foꝛ the making oꝛ knowledging of any ſuch aſſurance oꝛ aſſurances above xx. miles from B. afoꝛeſaid. And the ſaid C. foꝛ himſelfe &c. doth covenant &c. that it ſhall and may be lawfull to and foꝛ the ſaid G. his heires &c. and every of them, and every ſuch other perſon and perſons unto whom the ſaid G. and A. oꝛ either of them have heretofoꝛe altened, conveied, oꝛ by any other waies oꝛ meanes aſſured the ſaid tenements and pꝛemiſſes, oꝛ any part thereof at all and every time and times hereafter peaceably and quietly to have, hold, occupy, and enjoy the ſaid tenements and pꝛemiſſes and every part thereof with the appurtenances And that all the ſaid tenements &c. now are and be, and ſhall, and may foꝛ ever hereafter ſtand, remain, continue, & be unto the ſaid G.B. &c. cleerely acquited, diſcharged, oꝛ otherwiſe well and ſufficiently ſaved, & kept harmleſſe of & from all and all manner of foꝛmer bargaines, ſales, gifts, grants, leaſes, feoffemēts, joyntures, dower, ſtatutes, recogniſances, bonds, rents, ſervices, arrerages of rents, and ſervices, intruſions, fines, foꝛfeitures, miſes, amerciaments, judgments, condemnations, executions, rights, wils, eſtates, uſes, intailes, titles, entries, and conditions, and of and from all oꝛther titles, charges and incombꝛances whatſoever had oꝛ made by the ſaid C. his, &c. oꝛ by any other perſon oꝛ perſons whatſoever lawfully having oꝛ claiming the ſaid tenements oꝛ any part thereof with th'appurtenance by, from, oꝛ under them oꝛ any of them, oꝛ by the meanes, aſſent oꝛ pꝛocurement of them oꝛ any of them. In witneſſe whereof &c.

Covenants to aſſure lands to ſave harmeleſſe of recogniſances.

THis Indenture tripartite &c. betweeⁿ T.N. of &c. & T.S. G.F. W.P. F.W. and G.W. of &c. Witneſſeth, that where the ſaid T.N. W.P. and F.W. by one obligation oꝛ recogniſance lately made and pꝛovided by ſtatute foꝛ recovery of debts, bearing date &c. ſtand joyntly and ſeverally bound to the ſaid H.L. of &c. in ſumme of &c. And where alſo the ſaid T.N. T.S. and G.F. by like bond oꝛ recogniſance lately made and pꝛovided by ſtatute foꝛ recovery of debts, bearing date &c. joyntly and ſeverally bound to the ſaid H.L. in the ſumme &c. Nevertheleſſe it is now covenanted &c. betwixt the ſaid parties and every of them foꝛ them, &c. in manner, &c. that is to ſay, the ſaid T.N. foꝛ himſelfe &c. to and with the ſaid T.S. G.F. W.P. F.W. and E.W. their &c. that the ſaid Sect. 67.

said T. N. before the feast &c. next ensuing after the date hereof, at the costs and charges in the law of the said T. N. his heires and assignes, shall make or cause to be made to the said T. S. G. F. W. P. F. W. and R. S. and to their heires, a good, sure, sufficient, and lawfull estate in the law, in fee-simple, of, and in all that his manor of &c. to the uses and intents hereafter following, that is to say, to the use of the said T. N. and his heirs so long as the said T. N. his executors, administrators or assignes, doe well and truly acquite, discharge, or save harmelesse the said T. N. G. F. W. P. F. W. & E. W. their heires, executors and administrators of every of them against the said H. L. his executors, and administrators of the said severall recognisances, and either of them, and of, and from all manner of summes, debts, penalties, and all other duties contained in the same. And if the said T. N. his heires, executors, or administrators, doe faile or make a default, and do not well and truly acquite, discharge, or save harmelesse the said T. S. G. F. W. P. F. W. and E. W. and every of them, their heires, executors, and administrators, and the heires executors, and administrators, of every of the against the said H. L. his heires, executors, administrators, and assignes, of, and from the said severall recognisances, and every of them, and of, and from all manner of debts, summes of money, and other duties and penalties contained in the said severall Recognisances, and every of them, that the said T. S. G. F, W. P. F. W. G. F. and R. R. and their heires shall stand and be seised, of, and in the same manor &c. to the use of them, the said T. S. &c. and of their heires and of the heires of every of them, untill such time as the said T. S. &c. his heires, executors or administrators, have fully and cleerly perceived, received, levied and taken, all and every such summes of money, debts, forfeitures, and penalties thereof, as the said T. S. &c. or any of them, their heires, executors or administrators, or the heires, executors or administrators, of every of them, shall be at every time compelled by any manner of meanes, to pay, sustaine, or beare by force of the said severall Recognisances, or by force of either of them. And furthermore, the said T. N. for him, his heires and executors, covenanteth and granteth, to and with the said T. S. &c. their heires, executors, and administrators of every of them, by these presents, that the said manors &c. the day of the making thereof, are fully and cleerely discharged of all former bargaines &c. had, made, done, or suffered to be done by the said T. N. or any his ancestors, the chiefe rents and services from thencefoorth to be due to the chiefe Lord or Lords of the fee for the premisses, and all leases for terme of years, life or lives, whereupon the old accustomed yearly rent or more bin reserv'd & the said severall recognisances only excepted. And also the said T. N. for him, his heires, and executors, covenanteth &c. to and with the said T. S. &c.

their

their heires &c. that all ſuch perſons as now ſtand and be ſeiſed of, and in the ſaid manno; &c. ſhall ſtand and be ſeiſed of, and in the ſaid manno; &c. to the uſe of theſe Indentures, and of the articles and covenants compriſed in the ſame. And that all eſtates hereafter to be made, of, and in the ſaid manno; &c. during the life of the ſaid H.L. ſhall be to the uſe and intent mentioned in theſe preſents, and to none other uſe no; intents. In witneſſe, &c.

Covenants to make aſſurance in taile, after a fine knowledged.

THis Indenture made &c. between &c. Witneſſeth, &c. that they the ſaid W.H. before the feaſt of &c. by fine to be levied before the Juſtices of our Soveraigne Lady the Queene, of her common place at Weſtminſter, ſhall acknowledge the capitall meſſuage &c. by the name &c. to be the right of the ſaid E.M. &c. As in other covenants to levie fines ſur cogniſance de droit come ceo &c. with releaſe and warranty. And that the ſaid fine ſo knowledged and ingroſſed of the premiſes, ſhall be to the uſe of the ſaid E.M. and R.T. and of their heires onely, and to none other uſe. And the ſaid E. and T. for them &c. to and with the ſaid &c. that the ſaid E. and T. and their heires and the heires of the ſurvivor of them, within one moneth next after the ſaid fine ſo knowledged and ingroſſed, as is afore ſaid, by their deed indented, ſufficient in the law, in due forme to be made, ſhall and will give and grant the ſaid capitall meſſuage, and all and ſingular the ſaid tenements and premiſſes to them to be aſſured, as is afore ſaid, to the ſaid W.M. and to the heires males, of his body lawfully begotten, To have and to hold the ſaid capitall meſſuage, & all other the premiſes with their appurtenances, to the ſaid W.M. & to the heires males of his body lawfully begotten, to hold of the ſaid E. and T. by fealty only for all ſervices. Yeelding & paying therefore yearly to the ſaid E. and T. or to the ſurvivor of them, their heires or aſſignes xx.s. of &c. that is to ſay, at the feaſt of &c. by even portions to be payed (with a ſufficient clauſe of diſtreſſe to be contained in the ſaid deed, for the payment thereof at the dayes and times afore ſaid, with a Proviſo alſo to be contained in the ſame deed:) That if it ſhall happen the ſaid W.M. or the heires males of his body lawfully begotten, to ſuffer any recovery againſt him or them of the ſaid capitall meſſuage, or other the premiſſes or any part or parcell thereof, or by any other waies or meanes make any alienation or diſcontinuance of the ſame premiſſes, or any part or parcell thereof, and afterward ſhall happen to die without iſſue male of his body lawfully begotten, that then (that is to ſay) immediately after the deceaſe of Sect. 68.

the

the said W.P. and the heires males of his body lawfully begotten, and after the said state taile made, as is aforesaid, the said deed intended spent, executed and determined, and not before, it shall be lawfull for the said E.P. and T.R. to enter or reenter into the said tenements and premises and them to have againe and repossede to them and to their heires: the said deed indented, or any thing therein to the contrarie thereof notwithstanding. And also the said E.P. and T.R. for them &c. that they the said E. and T. their heirs and assignes, within foure dayes next after the making of the same deed indented, and of the execution of the said estate of the said capitall messuage, and all other the premisses to the said W. and to the heires males of his body, as is aforesaid, by one other deed sufficient in the law, reciting the grant by them made to the said W.P. and of the heires males of his body lawfully begotten, as is aforesaid, shall give and grant the reversion of the said capitall messuage, and all other the premisses, together with the yearely rent aforesaid to the said H.P. To have and to hold the said reversion of the same capitall messuage, and all other the premisses to the said H.P. his heires and assignes for ever. And the said W.P. for him &c. covenanteth &c. that he the said W. in due form and order of Law, shall upon reasonable request to him to be made by the said H.P. attorne tenant unto the said H.P. of the premisses, and shall pay to him, his heires and assignes the said yearely rent to be reserved by the said deed indented, and be granted to the said H.P. his heires and assignes, as is aforesaid. And also shall permit and suffer the said H.P. his heires and assignes, Lords of the residue of the manor of B. aforesaid, yearely at two severall times in the year, that is to say, in one day betweene the feast of &c. and in one other day betwixt the feast of &c. upon reasonable warning given to them of the said day, to keepe his Court for his tenants of the said manor of B. in the Hall of the said manor, without let or disturbance of the said W.P. and of his heires males lawfully begotten or of any other person or persons by his consent, procurement, or commandement. Furthermore, the said E.P. and T.B. for them &c. that the said capitall messuage, &c. at the time of the making of the said estate to &c.

A Covenant to sell but to the vendee.

Sect. 69. And the said J.K. doth covenant &c. that hee the said J. or his heires, if within one whole yeare next after the death of the said K. his mother, the said J. his heires &c. shall not well and truly have paid unto the said N. his heires, administrators &c. the said summe of &c. and shall make or cause to be made one good, sure, sufficient, absolute, and indefeasible estate or assurance in the Law in fee simple, of, and in all the above bargained

gained tenements and premiſes and every part thereof with the appurtenances unto the ſaid M. S. his heires or aſſignes, or to ſuch other perſon or perſons, as the ſaid M. his heires or aſſignes ſhall name or appoint, to his and their owne onely proper uſe and behoofe for ever &c. And alſo that neither the ſaid I. K. nor his heires, at any time or times hereafter, ſhall, or will give, grant, bargaine, morgage, ſell, alien, ſet over, alter, diſcontinue, or depart with any part of any the meſuages, lands, tenements, & hereditaments above herein mentioned to be bargained and ſold, or wherefore he the ſaid I. now ſtandeth and is ſeiſed to any perſon or perſons, other then onely to the ſaid M. S. or his heires, if the ſaid M. or his heires will give ſuch price and prices for the ſame, as ſhall be ſet downe, made, and appointed by W. W. A. D. R. B. and M. S. or ſo many of them as ſhall happen to be living, at the time of ſuch ſale and alienation to bee made, without the ſpeciall licence of the ſaid M. S. or his heires firſt had and obtained in writting.

A Covenant not to take advantage of former covenants, if lands deſcended not, and to aſſure more lands to ſupplie the value.

PRovided nevertheleſſe, and it is covenanted &c. That if the ſaid lands, tenements, and hereditaments, before in theſe preſents limited ſo be to the uſe of the ſaid E. as is afore ſaid, ſhall not be, continue, remaine and come to the ſaid E. from and after the death of the ſaid R. S. of the cleere yearely value of one C. markes, over and above all charges and repriſes (as is afore ſaid) That the the ſaid I. and H. nor either of them, nor the executors nor adminiſtrators of either of them, ſhall take any benefit or advantage of that part of the covenant before mentioned in theſe preſents, whereby the ſaid R. S. did covenant and agree, that the ſaid lands, tenements, and hereditaments, before aſſured to the ſaid E. and the ſaid heires males of her body (as is afore ſaid) ſhould be or continue, of the cleere yearly value of one C. markes above all charges and repriſes, if the ſaid R. S. his heires, executors, or aſſignes, or any of them ſo often as the ſaid lands, tenements, and hereditaments, with the appurtenances, ſhall become of a leſſer yearely value, over and above all charges and repriſes, than of the yearely value of a hundreth marks, ſhall and will at the coſts and charges in the law of the ſaid R. his heires, executors, or aſſignes aſſure to the ſaid I. S. and H. H. and to their heires to the uſe before expreſſed, other lands, tenements, and hereditaments with the appurtenances: which ſaid other lands, tenements, and hereditaments, together with the lands and tenements before in theſe preſents aſſured, to the uſe afore ſaid, ſhall and may be of the yearely value of one hundreth Markes, over and above all charges

Sect. 70.

ges and repriſes within two months next after requeſt to be made to the ſaid R. his heires or executors, by the ſaid I. S. & H. P. or either of them, their heires, executors, or aſſignes.

A Covenant for the ſhewing of evidences, for the maintenance of anothers intereſt.

Sect. 71. FVrthermore, the ſaid R. D. covenanteth and graunteth &c. to and with &c. by theſe preſents, that the ſaid R. D. & his heires, ſhall at all time and times hereafter, when, where, and as often as neede ſhall require, for and during the ſpace of x. yeares, next enſuing the date hereof, upon reaſonable requeſt to him or them hereafter to bee made by the ſaid R. D. or his heires, or at the coſts & charges of the ſaid R. D. his heires or aſſignes, or ſome of them, ſhew all ſuch evidences, charters, writings, eſcripts, eſcrowles, deeds, court rols, cuſtomaries, tranſcripts of fines, exemplifications of record, and muniments, as doe in any wiſe touch or concerne the premiſes, or any part thereof: Or as many of the ſame as ſhall be neceſſary or needfull for the maintenance of the eſtate, intereſt, right title, or poſſeſſion of the ſaid R. D. and of the heires and aſſignes of any of them, in, or to the premiſes with the appurtenances, and every or any part or parcell thereof.

A Covenant to deliver Writings upon notice or ſuit.

Sect. 72. AND the ſaid P. L. &c. doth covenant &c. that if it ſhall for time hereafter the ſaid I. B. and I. L. or any of them, to be ſued or impleaded by any manner of ſuit or action, without the conſent of them the ſaid I. B. and I. L. for the lands and tenements, in theſe preſents compriſed, or any part or parcell thereof, or for, or touching any the iſſues and profits of the ſame: then the ſaid P. L. his heires or aſſignes, upon reaſonable warning and motion to him or them given thereof by the ſaid I. S. his heires, executors or adminiſtrators, ſhall deliver or cauſe to be delivered to the ſaid I. B. and I. L. or to the ſurvivor of them, or their heires, all ſuch deeds, evidences, writings, charters, terrars, and muniments, touching or concerning the foreſaid lands, tenements, and hereditaments, for the onely purpoſe and intent, that they therewith ſhall and may the better defend, maintain, and preſerve their titles, intereſts, uſes, poſſeſſions, and occupations together, and taking the profits thereof againſt all perſons: So that the ſame deeds and other writings be ſafely delivered againe undefaced and uncancelled unto the ſaid P. L. his heires and aſſignes in convenient time, &c.

A

A Covenant to leave yron Mills furniſhed, in default of payment.

AND further, if the ſaid S.R. his heires, executors, or adminiſtrators Sect. 73.
faile, or make default, of, or in payment of the ſaid ſummes of, &c. in part or in all, contrary to the forme aforeſaid, That then the ſaid S. R. his heires, executors, and adminiſtrators, and every of them, ſhall not only leave unto the ſaid R.B. his heires, executors, and aſſignes, to his & their owne uſe, all ſuch forges, mills, waters, and all other ingins and neceſſaries as be now uſed and had, by the ſaid S.R. his executors or aſſignes, upon the premiſes, or any part thereof, about the getting or making of yron there, without hurting, ſpoiling, or impairing, or defacing the ſame or any part thereof, and without any reclaim, ſuit, challenge, or demand thereſore to be made by the ſaid S.R. his heires, executors, farmers, tenants, or aſſignes, or any of them, or any other to his or their uſe.

A Covenant to be ſeiſed to the uſe of the leſſees performing Covenants.

AND it is granted &c. by all the ſaid parties, that the ſaid conveyances Sect. 74.
and aſſurances by theſe preſents covenanted and agreed, to be made of the premiſes before mentioned, unto the ſaid I.C. and R.H. ſhall as concerning the lands and tenements, and other the premiſes in ſome aforeſaid, be demiſed and granted. And that I.C. and R.H. and the ſurvivor of them, and their heirs, and the heires of the ſurvivor of them, ſhall ſtand and be ſeiſed thereof, to the uſe of ſuch perſon and perſons, to whom any ſuch demiſe or leaſe ſhall be made, during the continuance of any ſuch demiſe or leaſe, according to the true meaning and effect of theſe preſents, and every ſuch Indenture. So that ſuch leſſees and grantees, during his or their ſeverall leaſe or leaſes, grant or grants, the rents reſerved and expreſſed, in, and by the Indenture of his or their ſaid leaſe or grant, doe pay or cauſe to be paid to ſuch perſon or perſons, to whom the immediate reverſion or remainder of the ſaid premiſes ſo demiſed or leaſed, ſhall by the purport and true meaning of theſe preſents belong or appertaine. And doe alſo perform the conditions, covenants, and grants, according to the purport and true meaning of his or their Indentures of leaſe, and that as well concerning the reverſion or reverſions, remainder or remainders of the ſame premiſes ſo to be leaſed or granted, and of the rents, duties, and ſervices thereupon to be reſerved, or to the ſame reverſion or reverſions, remainder or remainders incident, due or payable by reaſon of every ſuch leaſe or grant, during the continuance of the ſame intereſt, as alſo after the expiration and determination

determinatiõ of every such leases or grants, the said assurance therof shal be, & the said I.C. and R.H. and the survivor of them and their heires, and the heires of the survivour of them, shall be seised thereof to the onely use and behoofe of such person and persons, to whom the same premisses in forme aforesaid to be leased and granted, should by the purport and true meaning of these presents have descended, remained reverted, or come, if no such lease or grant had thereof bin made or granted, and that of like estate and course of inheritance with such remainders, in like and in the same order and degree, and in such manner and forme to all intents and purposes, as if no such lease or grant had beene thereof had or made: any thing in these present Indentures to the contrary notwithstanding.

Covenants of an undersherife to execute his office to serve the high Sherife harmeleſſe.

Sect. 75. THis Indenture made &c. betweene F.S. &c. Sherife of the counties of W. and L. of the one party, and A.G. of A. &c. on the other party, Witnesseth, that it is covenanted &c. that is to say, the said F. doth by these presents ordaine, constitute, depute, & make the said A.G. to be his Undersherife in the said counties of W. and L. and to have, occupy, and enjoy the said office of Undersherife there, to the said A. during all such times as the said F. shall continue and be in authority of the office of the said Sherifie of the said counties of L. and W. by vertue & authority of our said Soveraigne Lady the Q. letters patents, of the Sherifes office there to him directed, bearing date &c. And also the said F. doth by these presents grant &c. to the said A: that he shall and may take and have during the said terme, all manner of farmes, rents, fees, rewards, and profits, lawfully to the said office of Sherife, or office of Undersherife, or for serving, executing, or returne of any manner of writs, warrants, precepts, or proces in the said Counties of L. and W. belonging or appertaining. And also all felons goods and escheates that shall happen to be lawfully due to the said Sherife during the said time, within the said counties of W. and L. And the said F. doth by these presents grant, assigne, and depute to the said A. the lawfull order, custody, and government of all and singular manner of gaoles, prisons, and of the prisoners now or hereafter to be therein, to be lawfully and duly ordered, kept, and demanded by the said A. or his deputy or deputies, servant or servants, during the terme that the said F. shall have the said office or the custody, order and government of the said gaoles, prisons, and prisoners, by vertue and authority of the said office of Sherife, and letters patents aforesaid

ſaid. In conſideration whereof the ſaid A. doth by theſe preſents grant, to and with the ſaid F. that he the ſaid A. and his aſſignes, ſhall at all and ſingular time and times, from time to time, after the date of theſe preſents conſerve, diſcharge, exonerate, ſave harmeleſſe, and acquite the ſaid F. his heires, executors, adminiſtrators, and aſſignes, and every of them, and the ſureties of them and every of them, of, for, and from all, and all manner of forfeitures, paiments, and fines, paines, penalties, amerciaments, charges, leaſes, iſſues, damages, incumbrances, and demands whatſoever in any wiſe, in any court, or elſewhere, to be ſet, paid, and ſuſtained, ſuffered, or had to our ſaid Soveraigne Lord and Lady the K. & M. Majeſties, and the heires and ſucceſſors of them, or to any other perſon or perſons in any wiſe, for and upon any eſcapes, executions, or returnes of writs, commiſſions, privie ſeales, proclamations, proceſſe, precepts, ſeales, and warrants, by any waies, manner, or meanes, to, or upon the ſaid F. for, upon or under the ſaid office of Sheriſe in any wiſe directed, named, or had for any act, matter, default, office, or thing, to be committed, done, neglected, or ſuffered, perpetrated, or had by the ſaid A. or any of his ſaid ſervants, miniſters, deputies, or aſſignes, during the time that the ſaid A. ſhall continue in their ſaid authority or office, or any of them. And alſo the ſaid A. in conſideration aforeſaid, doth by theſe preſents grant, that the ſaid A. ſhall duly pay, enter into, or make perfect, finiſh, acquite, and diſcharge, for and in the behalfe of the ſaid F. in the Court, now commonly called the Eſchequer, and elſewhere, all and ſingular, and all manner of profits, rents, debts, duties, and demands, accompts, coſts, charges, fees, recogniſances, and bonds, for or upon the ſaid Sherife, or any his ſureties, or by reaſon or meanes of the ſaid office of Sherife, of, and in the ſaid counties of W. and L. or either of them, or of any officer or miniſter of the ſaid Sherifes office in any wiſe due or demaundable, during the time that F. ſhall have the ſaid office of the ſaid Sherife, of the ſaid counties of W. and L. or to be accomptable thereof. And that the ſaid A. ſhall daily, lawfully, and in convenient time by himſelfe, or his aſſignes, bring unto the ſaid F. his heires, executors, or adminiſtrators, his and their lawfull acquitance and diſcharge for the accompts and duties of the ſaid Sherifes office of both the ſaid Sherife of W. and L. for the time that the ſaid F. ſhall have beene Sherife there by the ſaid Letters patents. And the ſaid A. G. doth by theſe preſents grant, to, and with the ſaid F. that the ſaid A. ſhall well and worſhipfully make, provide, ſuſtaine, and maintaine at all and ſingular times, during the time that the ſaid F. ſhall have the ſaid office of Sherife of the ſaid countie of W. by the ſaid Letters patents, convenient and competent meat, drinke, lodging, food, ſuſtenance, & intertainment of the Juſtices of Aſſiſes, Juſtices of gaole delivery, and

the Clerk of Assises, and for all and every their Clerkes, ministers, and servants of any the Justices and Clerkes, and for the horses and moiles of them, and every of them, and for all other attendants, at and about the said Justices of Assise, or gaole delivery, at or within the said counties of W. and L. during the said time and times, at and by the oversight and appointment of the said F. or such other person or persons, as the said F. shall thereunto nominate and assigne. Provided alwayes, and it is granted and agreed by these presents, betweene the said F. and A. that the said A. or any other person in his behalfe, shall not make or returne any other panell, jurie, or inquest, for, in, or upon any writ of Venire facias, or of any other processe pursued, directed, or had, during the time of the said Sherife of the Countie of W. out of any of the Mr. Majesties Courts, commonly called the Chauncery, Kings Bench, Common Pleas or Exchequer, unlesse the same panell, jurie, or inquest shall be consigned with the hand of the said F. or of some other party that he shall nominate or appoint. Nor the said A. nor any person in his behalfe, shall in any wise doe or cause to be done, without the speciall licence of the said F. S. first obtained and plainely had, done, or appointed, any act, matter, or any thing upon any writ, commission, action, presentment, judgement, indictment, processe, or suit, that in any wise, manner, or meanes shall be, for, or against any of the Earles of S. H. &c. or any of them, or for, or against any other person or persons, that is, or hereafter shall be knowne or declared to the said A. by the said F. to be his friend. And it is also provided and agreed by these presents, betweene the said F. S. and A. G. that the said F. shall and may make, or daine, constitute, and appoint from time to time during the time of his office by the said letters patents, such persons, which during that time, have, occupy, and injoy the ii. bailywikes, and offices of Bailies, of, and in the Hundreds of R. and H. and either of them with the appurtenances in the county of W. aforesaid, and that the same persons shall have, take, occupy, and injoy the said Bailiwikes, and either of them, together with all and singular maner of profits, commodities, and advantages with the appurtenances appendant to the same Bailiwikes, or either of them, in any wise concerning, growing, belonging, or during the time, over and besides that shalbe to the Mr. Majestie: any thing in these presents contained to the contrary in any wise notwithstanding. And the said F. doth moreover grant by these presents to the said A. that the said F. and his assignes, shall in due and convenient time, as shortly and conveniently as may be after the time of the said office ended, accompt and declare to the said A. G. or his assignes, at the said manor of S. H. the true value and rent of all and singular rents, revenues, duties, and forfeitures, due to be paid, and then levied or levia-

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ble to the Queenes Majeſties uſe or behalfe, within the county of L. for, upon, in, or by the office of Sheriſe there, during the time that the ſaid F. was, as is aforeſaid, Sheriſe there, and ſo much of the rents, revenues, duties, and forfeitures that the ſaid F. or his aſſignes ſhall pay, or cauſe to be paid then to the ſaid A. as the ſame F. or any other perſon to his uſe then hath received, and all the reſidue of the ſaid rents, revenues, duties, and forfeitures there, which conveniently ſhall be levied, the ſame ſhall cauſe to be paid, to the ſaid A. or his aſſignes, ſo ſhortly and ſpeedily as may be, after that time they ſhall conveniently be levied and gathered there. And the ſaid A. doth by the preſents covenant and grant that the ſaid F. his executors and aſſignes, ſhall within forty dayes next after the ſaid accompts for the ſaid office of the Sheriſe of the ſaid Counties of W. and L. finiſhed or determined pay, or cauſe to be paied well & truely to the ſaid F. &c. his executors or aſſignes, all manner of allowance, profits, commodities, and advantages, that in any wiſe ſhall be admitted, deducted or allowed in the ſaid accompt or accompts, or by any part thereof in the ſaid Exchequer for the diet of any the Juſtices of aſſiſe, or gaole, or any of their Clerks, ſervants, or attendants, in either of the ſaid Counties, or for any Mayle of reward, or for any ſummons of Præcipe, or of any greene ware, or of any ſuch like matter or thing, in either of the ſaid Shires of W. or L. And alſo the ſaid A. doth by theſe preſents grant to the ſaid F. that he the ſaid A. at leaſt in one day in every one and twenty dayes, during the time that he ſhall be Underſheriſe, as is aforeſaid, and perſonally be in, or neare unto the ſaid County of W. ſhall come thence unto the ſaid F. and on that one day, utter and declare the ſtate of the ſaid Countie of W. and the affaires concerning the ſaid office with the appurtenances thereof. And that alſo the ſaid A. with all his Officers and miniſters, and power of the ſaid Countie, ſhall duely and diligently attend to the ſaid office, if any warre, rebellion, or other notable matter or occaſion during the time of the ſaid office ſhall ariſe or be in either of the ſaid Counties of W. nor L. or thereabouts. And alſo that the ſaid A. ſhall well and diligently, honeſtly and juſtly occupy, ſerve, and execute the ſaid office of Underſheriſe of the ſaid Countie of W. and honeſtly behave himſelfe in all points, during all the ſaid time that the ſaid F. ſhall continue and be High Sheriſe of the ſaid Counties of W. and L. by vertue of the ſaid letters patents, and nothing done by himſelfe, or any other perſon or perſons, in any wiſe concerning the ſaid Office of Sheriſe, or Underſheriſe of the ſaid Countie of W. which ſhall be to the diſworſhip of the ſaid F. And alſo that theſe alterations of matters, Articles, and things, in theſe preſents in any wiſe mentioned or

contained, may and shall be reformed and had at any time from time to time by the learned counsell of the said F. for the better and more perfect discharge and saving harmeleſſe of the said F. his heires and executors upon the premisses, or any of them, which the said A. granteth by these presents, by, and in all things to obey, performe, and fulfill. In witneſſe whereof &c.

A Covenant to make a Leaſe by fine of Copihold lands for yeares.

Sect. 76. THis Indenture, made &c. Betweene E.C. and E. his wife, of the one party, & H.W. on the other party, Witneſſeth, that whereas the said H.W. as Copiholder, and tenant by copie of Court roll unto the said E.C. and E. his wife, as of their manor of C. aforeſaid, hath and holdeth to him and to his heires, after the custome of the said manor, one meſuage with certaine houses &c. ſet, lying, and being &c. The said E.C. and the said E. his wife, for, and in conſideration as well of the performance of certaine covenants, grants articles, and agreements, mentioned and contained in a paire of Indentures, had and made betweene the said E.C. and the said E. his wife on the one party, and H.W. on the other partie, as for the ſum of an C.li. of lawfull money of England, to the said E.C. beforehand paid: hath demiſed, granted, and to farm letten unto the said H.W. all and ſingular the said meſuages &c. and all and ſingular the premiſſes before recited with their appurtenances: To have and to hold the said meſſuages &c. and all and ſingular other the premiſſes with their appurtenances, unto the said H.W. his executors and aſſignes, without any impeachment of any waſt, from the feaſt of &c. unto the end and terme of viij. yeares then nert inſuing, fully to be compleate and ended. Yeelding and paying yearely unto the said E.C. and E. his wife, and to the heires of the said E.C. the ſumme of &c. of lawfull money of England: (that is to ſay) for the said meſuages, land, and tenements, with their appurtenances, in the tenure of the said H.W. twenty ſhillings &c. And for the lands and tenements in the tenure of &c. vii. ſhillings &c. all which maketh up the said ſumme of &c. The said yearely rent to be yearely payed at the feaſts of Saint Martin in Winter, and Pentecoſt, by even portions. And if it ſhall fortune the ſame yearly rent of &c. As in clauſes of diſtreſſe. And the said E.C. and E. his wife, for themſelves &c. doe covenant &c. to and with the said H.W. his executors and aſſignes, that the said E.C. and the said E. his wife, by fine in due forme of Law to be levied, ſhall at the coſts and charges of the said H.W. aſſure and convey, or cauſe to be aſſured and conveyed the said meſuages, lands and tenements, and other the premiſſes, by theſe presents demiſed and letten to the said H.W. his executors and aſſignes, for and during the said terme of eight yeares, in man-

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ner and forme, as ſhall be deviſed and adviſed by the counſell learned of the ſaid H.W. upon which grant and render the ſaid ſeverall rents before mentioned, ſhall be ſeverally reſerved, in manner and forme as is before in theſe preſents mentioned.

A Covenant that the feoffor hath done none acts, but that he is ſeiſed, and ſo will continue.

AND the ſaid R.F. doth further covenãt &c. that he the ſaid R.F. hath not done, nor ſuffered to be done, any act or acts, thing or things, but that the ſaid F. is now lawfully ſeiſed to his owne onely uſe, of, and in the ſaid tenement and premiſſes, and every part thereof, with the appurtenances of ſo good, ſure, abſolute, and indefeaſible eſtate in the law, in fee-ſimple, as he the ſaid F. hath by the gift and grant of the ſaid R.C. and ſo will ſtand, remaine, continue, and be thereof ſo ſeiſed untill the ſame be ſufficiently conveied & aſſured unto the ſaid R.R. his heirs and aſſignes, according to the true meaning hereof &c. Sect. 77.

A Covenant for quiet enjoying in a ſpeciall manner.

THat the ſaid R.P. and G. and every of them, and every other perſon and perſons, unto whom any uſe, intereſt, eſtate, or title, in or to the ſaid mannors, meſuages, lands, tenements, hereditaments, and premiſſes with the appurtenances, or of, in, or to any part thereof, as is above in theſe preſent Indentures limited, appointed, intended, or meant, ſhall and may peaceably and quietly have, occupy, and injoy ſuch, ſo many, and ſo much of the ſaid mannors, meſuages, &c. as is by theſe preſents to him, her, or them limited, appointed, intended, or meant, during and according to his, her, or their ſeverall uſes, intereſts, eſtates, and titles therein, and according to the true meaning of theſe preſents, without any lawfull let, ſuit &c. of &c. Sect. 78.

A Covenant not to ſell lands but to T.R. without his licence.

AND the ſaid R. and L. covenant &c. That neither they the ſaid R. and L. nor the one of them, at any time hereafter during the life naturall of the ſaid T.R. ſhall ne will give, grant, ſell, diſcontinue, convey or aſſure, in fee-ſimple, or fee-taile, any meſuages, cottages, lands, tenements, medowes, paſtures, rents, reverſions, remainders, ſervices, or hereditaments, ſcituate, lying, or being &c. (other then the above ſold Sect. 79.

premisses) wherein they, or either of them the day of the date of these presents have any estate of inheritance, in possession, reversion, remainder, or in use, nor the reversion or remainder thereof, or of any part thereof, nor charge nor incumber the same, nor any part thereof, to any person or persons, other then to the said T.R. or his heirs, or to such other person, and persons, and their heires, as he the said T.R. or his heires, shall for that purpose name and appoint, &c.

An Indenture betweene the Master of the Court of Wards, and Liveries, and the Heire, upon Liverie to be sued.

Sect. 80. THis Indenture, made &c. Betweene the right honourable Sir W.C. knight L.B. Lord Treasurer of England, and Master of the Ma. majesties Court of Wards and Liveries, and T.S. Esq. Surveior of the same Liveries, for, and in the name and behalf of our said Soveraign Lady the Queene on the one party, and M.C. sonne and next heire of J.C. late of W. in the County, of Y. yeoman deceased, on the other party, Witnesseth, that whereas our said Soveraigne Lady is agreed to grant unto the said M. a generall Livery to be had, of and in all such Lordships, mannors, lands, tenements, rents, reversions, services, and other hereditaments, with the appurtenances, which to the said M. descended and came in use, possession, or reversion, from the said J. as sonne and heire of the said J. as in the said generall Livery more plainely it is contained. Nevertheless, for that our said Soveraigne Lady should not be deceived, but that her grace should have perfect knowledge and understanding of all those Lordships, Mannors, Lands, Tenements, rents, reversions, services, and other hereditaments, and the yearely value of the same, whereof the said M. willeth and intendeth to take any advantage, benefit, profit, or commoditie, by reason or colour of the said generall Liverie, And also to the intent our said Soveraigne Lady should not be deceived of any other Lordships, mannors, lands, tenements, and other hereditaments, which beene descended and come to the said M. by and after the death of the said J. in possession or reversion, or in use of possession, or in use of reversion: Or of any Lordships, mannors, &c. which have beene put in any feoffement, fine or recovery, to any person or persons, to the use of any of the auncestors of the said M. whose heire he is, for the performance of any will, or otherwise, in use, possession, or otherwise, which shall, may or ought to descend, remaine, revert, or come unto the said M. or his heires, after any such will performed, or use thereof determined, or of any Lordships, &c. whereof the reversions descended and came unto the said M. by and after the death of the said J. The said M.C. hath delivered the day of the

date

date hereof unto the ſaid W.L. B.Lord Treaſurer of England, & T.S. a writing in parchment indented, hereunto annexed, in which the ſaid M. covenanteth and promiſeth, that therein be contained & ſpecified, all thoſe Lordſhips, &c. with the yearly value of the ſame, which the ſaid M. willeth or intendeth to have, or ſhall have out of the Qu. Majeſties hands or poſſeſſion by the ſaid generall Liverie. And alſo of all thoſe Lordſhips, manors, &c. and other hereditaments, and the yearly value of the ſame which have beene put in any feoffement, fine, or recovery, and other conveiance thereof the immediate uſe of the poſſeſſion, or whereof the uſe of the reverſion of the poſſeſſion is deſcended and come unto the ſaid M. by and after the death of the ſaid J. or whereof the uſe by & after the death of any tenant or tenants for terme of life, or after any other eſtate, will, intent, or uſe thereof determined, ſhall, may, or ought to deſcend, reverſ, or come unto the ſaid M. & his heires, or to the heires of his body lawfully begotten, or any other of his heires. And that the ſame Lordſhips &c. in the ſame writing indented mentioned & comprized been there valued to the uttermoſt and beſt value. And over that, the ſaid M.C. covenanteth and granteth for them, their heires, executors, and aſſignes, to and with the ſaid W. Lord B. Lord Treaſurer of England, and T.S. that one Auditor or Auditors by our ſaid Soveraigne Lady to be aſſigned, or Auditor of the Qu. Majeſties Court of Wards & liveries for the time being, ſhall at the coſt & charges of the ſaid M. and at ſuch time as it ſhall pleaſe our ſaid Soveraigne Lady, her heires & ſucceſſors Kings of this Realme, or the ſaid Maſter of the Queenes Court of Wards and Liveries and ſurveyor of the ſame Liveries for the time being, to appoint, or otherwiſe to ſearch, view, and value the true value of the ſame. And that if upon any ſearch, view, and valus thereof to be appointed by our ſaid ſoveraigne Ladie, or by the Maſter of the Queens Court of Wards and Liveries, and Surveior of the ſame Liveries, it can be proved, that any Lordſhips, Manors, &c. and other hereditaments, and the yearely value of the ſame, whereof the ſaid Maſter, or any other to his uſe taketh, or hereafter ſhall or may lawfully take any advantage, benefit, profit, or commoditie, by reaſon, or colour of the ſaid generall liverie, be omitted and not contained & ſpecified in the ſame writing indented hereunto annexed: Or elſe, if that any Lordſhips &c. in the ſame writing ſpecified, be of more, better and larger yearly value, then in the ſame writing is limited: Or elſe, if that any Lordſhips, &c. which were of the inheritance of the ſaid J. and which by and after his death deſcended and came unto the ſame M. in uſe, poſſeſſion, or otherwiſe be omitted or undervalued in the ſame writing: The our ſaid ſoveraign Lady ſhalbe by the ſaid M. his executors or aſſignes, truly anſwered & ſatisfied of the yearly value of al thoſe lordſhips, manors, lands, &c. ſo omitted or undervalued.

And also of all and every of the said Lordships &c. to the said writing, that bee or shall happen to be undervalued, and that from the death of the said I. unto the triall and knowledge of the same. And over that, the said M.C. covenanteth and granteth for him, his heires, and executors, to and with the said W. Lord B. Lord Treasurer of England, and T.S. that for the concealement and offence in that behalfe, if any such shall appeare or be proved, the said M.C. shall content and pay unto our said Soveraigne Lady, the double of one years value of all those Lordships &c. so omitted or undervalued, untill such time as the said M. shall have agreed, to and with the said W. Lord B. Lord Treasurer of England, and T.S. or other Officers of the Queenes Majesties Court of Wardes and Liveries, and Surveyor of the same Liveries for the time being, for the said value and overplus of the lands, tenements, and hereditaments so omitted or undervalued. And shall find sufficient sureties for the payment of all such summes of money as shall be agreed by the said Master of the Queenes Court of Wardes and Liveries, and Surveyors of the some Liveries. And furthermore, the said M.C. covenanteth &c. to and with the said W. Lord B. Lord Treasurer of England, and T.S. that neither he the said M. or any other person or persons for him, or in his name, or by his consent, shall unquiet, molest, or disturbe, any tenant or tenants in dower, or for terme of life, in the name of Jointures, of their lawfull possession or interest, that they or any of them have, of, in, or to any lands or tenements comprized in this Scedule indented hereunto annered, or any part or parcell thereof. In witnesse whereof to the one part of these Indentures, remaining to and with the said M.C. the said W. Lord B. Lord Treasurer of England, and T.S. have set their hands and seales: and to the other part of these Indentures, remaining to the Queenes use in the said Court of Wards and Liveries. The said M. hath set to his hand and seale the day and year first above written.

And the like of a speciall Liverie *Mutatis mutandis.*

Covenants of Mariage, and loynture to be made.

THis Indenture made &c. betweene W.P. and T.S. &c. Witneſſeth, Sect. 81.
that it is covenanted, concluded, and agreed, by and between the ſaid parties, in manner and forme following, that is to ſay: the ſaid W.P. covenanteth &c. that R.P. &c. by the ſufferance of Almightie God, ſhall eſpouſe, marry, and take to wife G.S. &c. and her eſpouſe and wed after the Lawes of the Church of England, before the feaſt of &c. if they ſo long ſhall live, and the ſaid G.S. will thereunto conſent and agree, and the Lawes of God and holy Church will that permit. And the ſaid T.S. doth likewiſe covenant &c. that G.S. &c. ſhall marry and take to her husband the ſame R.P. &c. if &c. And the ſaid W.P. for the conſiderations abovеſaid, and for a Joynture unto the ſaid G.S. to be had and made, for himſelfe, &c. doth covenant, grant, &c. that the ſaid W.P. or his heires, within one yeare next enſuing the date hereof, at the reaſonable requeſts, coſts, and charges in the Law of the ſaid T.S. his executors or adminiſtrators, ſhall and will ſuffer T.W. and I.A. R.H. and G.P. well and ſufficiently to recover to them and their heires for ever, all the mannors, meſuages, &c. by writ of Entre ſur diſſeiſin en le poſt, to be had and proſecuted by them againſt the ſaid W.P. before the Juſtice of the Queenes Majeſtie that now is, her heires and ſucceſſors, of the common Place for the time being, by the name or names of &c. or by the like name or names in effect, or by ſome other ſufficient name or names, unto which the ſaid W.P. ſhall appeare in proper perſon, or by his Atturney or Atturnies, and vouch the common vouchee to warrantie, according to the uſuall forme and order of common recoveries in ſuch caſes heretofore uſed, and that the ſame recoverie ſhall be executed accordingly by Habere facias ſeiſinam, and that he will doe and ſuffer all and every other thing, which in that behalfe ſhall be requiſite or neceſſarie. And the ſaid W.P. &c. doth covenant &c. and it is the true intent and meaning of the ſaid parties, and of theſe preſents, that the ſame recoverie, ſo to be ſuffered, had and executed, as is aforeſaid, and the eſtate of the ſaid T.W. I.A. R.H. and G.P. and every of them, and of the heires of them, of, and in the ſaid mannors, &c. by force of the ſaid recovery and execution thereupon to be had, ſhall be and indure, and the ſaid T.W. I.A. R.H. and G.P. the recoverers in the ſaid recoverie to be named, and the ſurvivor of them, and his heirs ſhall ſtand and be thereof ſeiſed, to the only uſes, intents and purpoſes, hereafter in theſe preſents mentioned, limited, and expreſſed, and to, or for none other intent or purpoſe: that is to ſay, of, and in all the ſaid mannors of &c. except one meſuage and all lands thereunto belonging to D. in the ſaid Countie &c. to the onely proper uſe and behoofe

of

of the said W.P. and his assignes, during and untill the feast of &c. to the onely proper use and behoofe of the said T.S. his executors, administrators, and assignes, during and untill the full end and terme of four yeares, then next and immediately ensuing, and fully to bee complete and ended. And immediately from and after the end and expiration of the said terme of foure yeares, to the onely proper use and behoofe of the said R.P. and G.S. and of the heires of the body of the said R. lawfully begotten, and to be begotten on the body of the said G.S. And for lacke of such issue of the body of the said R.P. on the body of the said G.S. lawfully begotten, to the use of the said W.P. & of the heires males of his body lawfully begotten & to be begottē on the body of P. now his wife: & for default of such issue male, then to the only proper use & behoofe of the said W.P. & of the heires males of his body lawfully begotten and to be begotten. And for default of such issue male, then to the onely proper use and behoofe of the said W. P. and of the heires of his body lawfully begotten and to be begotten. And for default of such issue, then to the only proper use and behoofe of the right heires of the said W.P. for ever. And of and in the said &c. before in these presents excepted &c. to the onely proper use and behoofe of the said W.P. for and during the terme of his naturall life, and immediately after the death of the said W.P. to the onely use and behoofe of the said R.P. and of his heires of his body lawfully begotten, and to be begotten on the body of the said G.S. and for default of &c. (to such other use as it shall bee agreed) and to, or for none other use, intent, or purpose. And the said W. P. for himselfe &c. doth covenant &c. that he the said T.S. his executors &c. shall and may have (and so forth) to his or their own proper use, behoof and commodity, from, and after the said feast of &c. for and during the space of foure yeares thence next ensuing, all the said manner &c. which the said R.P. and G.S. or either of them now hath, or hereafter shall have during the terme of foure yeares, next ensuing the said feast of (and so forth) without paying any rent, money, or other thing therefore, and without rendring of any account thereof or therefore, to any person or persons. And in consideration of the premisses, the said T.S. for him &c. doth covenant &c. that he the said T.S. his executors or administrators, shall and will during the said terme of foure yeares, next ensuing the said Feast of &c. at his and their owne proper costs and charges, finde, and give, or cause to be found & given unto the said R.P. and G.S. sufficient meate, drinke, lodging, and all other things necessary for either of them, at such place and places, as unto the said T.S. or his executors shall seeme most meete and convenient, if the said R.P. and G.S. will thereunto consent and agree. And likewise during the said time and space last before mentioned, at his and their like proper costs and charges, shall conveniently

venientlye place & prouide for the ſaid R. P. at ſome good ſchoole, or other convenient place, where the ſaid R. P. may be taught, educated, & brought up in vertue and learning, if the ſaid R. P. will thereunto ſufficientlye endeavour himſelfe, conſent and agree. And over this the ſaid W. P. covenanteth and granteth, that if the ſaid Manor and other the premiſſes (except before excepted) be not of the cleere yearely value of one hundred pounds, over all charges & expences, that the ſame W. P. then at the reaſonable requeſt of the ſame T. S. &c. or any of them, ſhall make, or cauſe to be made like ſure eſtate or eſtates, of and in other lands and tenements within the ſaid countie, of as much cleere yearely value, as the ſaid manor and other the premiſſes (except before excepted) is under and lacking of the ſaid yearely value of one hundred pounds, to the ſaid T. W. &c. and their heires to the uſe before declared. And alſo ſhal ſuffer the ſaid G. S. at her libertie and pleaſure to marrie one E. her daughter, to any perſon, that it ſhall pleaſe her, And diſpoſe ſuch money and profits, as ſhall fortune to be granted and promiſed for the marriage of the ſaid E. the daughter at the libertie and pleaſure of the aforeſaid G. S. the mother, without contradiction or diſturbance of the ſaid R. P. or any perſon by his commaundement, procurement, or aſſent. And that he the ſaid R. P. ſhall not receive nor have any money or reward for the ſaid marriage. Moreover the ſaid W. P. covenanteth &c. that if it fortune the ſaid G. S. the mother, after the ſaid marriage ſolempnized betweene her & the ſaid R. P. to decеaſe out of this world in the life of the ſame R. P. her husbād, that the the ſaid R. P. ſhall give licence, power, and authority to the ſaid G. S. before her death, to make a Teſtament, containing her laſt Will, & by the ſame Teſtament to give, and diſpoſe at her pleaſure, of the goods and chattels of the ſaid R. P. amounting to the value of a hundred poūds ſterling. And that the ſaid R. P. ſhall ſuffer ſuch perſons as the ſaid G. S. ſhall name, to have and to doe the execution and diſtribution of the ſame, according to her mind and pleaſure. And that after her deceaſe the ſaid R. P. ſhall give, deliver, pay and execute to ſuch perſons as the ſame G. S. ſhall bequeath and appoint, to have any of the ſaid goods, extending to the ſaid ſumme of an hundred pounds. Provided alſo, and nevertheleſſe it is covenanted & agreed, by and betwirt the parties to theſe Indentures, that if it ſhould happen the ſaid G. S. to die without iſſue of her body by the ſaid R. P. lawfully begotten, before ſhe ſhall accompliſh her age of fortie yeares, that then from the death of the ſaid G. S. ſo dying, before the ſaid age of forty yeares, without iſſue of her body lawfully begotten, the ſaid T. W. his feoffees ſhall ſtand and be ſeiſed to the uſe of the ſaid W. P. his executors, adminiſtrators, and aſſignes, of the ſaid manor &c. during the life of the longer liver of the ſaid W. P. & G. from thenceforth, that

is:

is to wit, from the day of the death of the longer liver of them the said W. and P. the said T. W. and his said cofeoffees to ſtand and be ſeiſed to the onely uſe of the ſaid T. S. his executors and aſſignes, of the ſaid &c. during and untill ſuch time as he ſhall have received the ſumme of CC. pounds of his rents & profits of the ſame rents, to be accompted according to the yearly rent of the premiſſes. And that the ſaid fine, recovery, feoffement, and all and ſingular other aſſurances whatſoever to be had, made, knowledged, executed, ſuffered, and permitted, of the ſaid lands, tenements, &c. ſhall be to the ſaid ſeverall uſes above recited: any thing therein contained or any aſſurance to be had or made concerning the premiſſes to the contrarie notwithſtanding. Provided furthermore, and likewiſe excepted, and it it ſhall happen, by reaſon of diſſallenting of either of the ſaid parties, or both of them, at ſuch time as they ſhall accompliſh the age and yeares of conſent, that the ſaid mariage ſhall not, or doe not take effect, or if by reaſon of conſent and agreement of both of the ſaid R. P. and G. S. that the ſaid marriage doe, or ſhall take effect, & then afterwards if it ſhall happen poſſibility of iſſue to be extinct, by death of the one, or both of them, or by any other wayes or meanes, that then immediately upon ſuch poſſibility of iſſue extinct, or that the ſaid marriage ſhall not take effect in forme afore ſaid, T. W. and other his ſaid cofeoffees and their heires, and the heires of the ſurvivor of them, ſhall ſtand and be ſeiſed of all the ſaid lands and tenemẽts & other the premiſſes as they then ſhould happen to fall and come in courſe, in manner and forme above mentioned for yeares and terme of life onely, whereby the ſaid T. S. his executors or aſſignes, ſhall and may be fully ſatisfied and paied of the ſaid ſumme of money to him before limited by theſe preſent Indentures, according to the true meaning of the ſame as is afore expreſſed, only except to the uſe & behoofe of the ſaid W. P. his heires for ever: any thing herein contained to the contrarie thereof in any wiſe notwithſtanding. And alſo the ſaid W. P. for him &c. that if it ſhall happen the ſaid P. daughter of the ſaid T. S. to deceaſe or die before ſhe hath or ſhall fully accompliſh the age of viiii. years, or before the ſaid mariage had & ſolemnized betweene her and the ſaid E. P. that then the ſaid T. S. his executors or aſſignes, during the ſpace of five yeares, frõ thenceforth next and immediately following or enſuing the death of the ſaid T. S. ſhall and may quietly perceive, levie, and take the rents, iſſues, revenues, and profits of the ſaid manors, lands, tenements, and other the premiſſes with their appurtenances. And over this the ſaid P. W. for him &c. covenanteth &c. that ſuch mannors, lands, and tenements, whereof the ſaid W. P. now is ſeiſed in poſſeſſion or reverſion of any eſtate of inheritance, & not before in theſe preſent Indentures otherwiſe expreſſed, limited or declared, which to the ſaid W. P. deſcended or came, in poſſeſſion, &c.

from

from any of the anceſtors of the ſaid W.P. immediately from and after the death of the ſame W.P. ſhall deſcend, revert, or come unto the ſaid W.P. in poſſeſſion or reverſion of ſuch eſtate of inheritance, as the ſaid W.P. hath therein, if the ſaid mariage take effect, the ſaid manors, lands, tenements, and hereditaments at the time of the death of the ſaid W.P. being cleerely diſcharged and exonerated of all and every former bargaines &c. Except &c. In Witneſſe &c.

Hereunto may be added ſuch Covenants of being ſeiſed, and owner of quiet enjoying, and ſaving harmeleſſe, or to be ſeiſed to the uſes aforeſaid after the ſaid mariage, and ſuch like, as are needfull, according to the agreement of the parties, with all neceſſary exceptions and conditions.

Covenants of Mariage.

THis Indenture &c. Witneſſeth, that in conſideration of a mariage &c. The ſaid T.T. covenanteth &c. that hee the ſaid T.T. at any time during the mariage betweene the ſaid T. and the ſaid E. will not alien, ſell, give, grant, or otherwiſe diſpoſe, eſloigne, marrie, or deſeate the wardſhip of E.R. ſonne and heire of N.R. deceaſed, to any perſon or perſons, from the ſaid E. except it be by the aſſent and agreement of the ſaid E. And the ſaid T.T. further covenanteth &c. that neither the ſaid T.T. nor any other perſon or perſons, by his procurement, at any time during the ſaid mariage, ſhall doe or make any voluntary waſt, or ſale, of, or in any of the woods or houſes, whereof the ſaid E. is now ſeiſed or poſſeſſed, except it be by the aſſent or agreement of the ſaid E. And alſo the ſaid T.T. covenanteth &c. that he the ſaid T.T. at any time during the ſaid mariage, ſhall not bargaine, ſell, give, grant, or otherwiſe alien any leaſe, leaſes, or farmes, which the ſaid Eliz. hath or poſſeſſeth, the day of the date of theſe preſents, except it be by the aſſent and agreement of the ſaid E. And the ſaid T.T. further covenanteth &c. that he the ſaid T.T. at ſuch time and times as the ſaid E. ſhall appoint, ſhall pay, or cauſe to be paied, of the legacies bequeathed by H.S. ſometime husband to the ſaid E. ſuch, and ſo much, and in ſuch manner, as the ſaid E. ſhall aſſigne and appoint, in writing ſubſcribed with her hand, at any time during the ſaid marriage. And alſo if the ſaid E. ſhall in writing ſubſcribed with her hand, aſſigne or appoint that the ſaid T.T. to pay to the ſaid E.R. the ſumme of two hundred pounds of lawfull money of England, or any leſſe ſummes of money, that then the ſaid T.T. his heires, executors, adminiſtrators, or aſſignes ſhall ſatisfie and pay, or cauſe to be paid, to the ſaid E.R. towards his advancement, the ſaid ſum of two hundred pounds, or ſuch other leſſe ſumme of money, as ſhe the ſaid E. in writing, ſubſcribed with her hand at any time during the ſaid marriage, ſhall aſſigne and appoint

Sect. 82.

Point the ſaid T.T. to pay, and at ſuch time and times, and in manner and forme as the ſaid Elizt. by the ſame writting ſubſcribed with her hand, ſhall aſſigne and appoint.

And the ſaid T.T. alſo covenanteth and granteth, for himſelfe, his heires, &c. That he the ſaid T.T. or his heires, within two yeares next enſuing the date hereof, ſhall aſſure and convey, or cauſe to be aſſured and conveied by good and ſufficient aſſurance and conveiance in the law to the ſaid E. for terme of her life, or to other perſons, and their heires, to the uſe of the ſaid E. for terme of her life for her Jointure, ſuch manors, lands, and tenements, with the appurtenances, and other the premiſſes in the ſaid County of N. which ſhall amount to, and be of the full and cleere yearely value of one hundred pounds of lawfull money of England, over and above all charges and repriſes.

And alſo if it ſhall fortune the ſaid E. to ſurvive and over-live the ſaid T.T. that then the ſaid T.T. ſhall as well leave the ſaid E. worth as much debts, goods, chattels, and other ſubſtance, as the ſaid E. ſhall at the time of her marriage be cleerely worth: As alſo give, grant, bequeath, or otherwiſe aſſure, to leave to the ſaid E. over and above the ſaid debts, goods, chattels, and other ſubſtance, as much goods, chattels, and other ſubſtance, as ſhall amount to the value of two thouſand marks of lawfull money of England.

Provided alwaies, that if the ſaid T.T. at any time during the ſaid mariage, ſhall by the aſſent in writting of the ſaid E. ſubſcribed with her hand, purchaſe any lands, tenements, or hereditaments, that then ſo much of the debts, goods, chattels and ſubſtance, which the ſaid T.T. by theſe preſents hath covenanted to leave, aſſigne, or aſſure unto the ſaid E. as the ſum or ſummes of money ſo to be paied, for, or by reaſon of the ſaid purchaſe or purchaſes ſhall amount unto, ſhall be defalked, deducted and forepriſed out of the ſaid debts, goods, chattels, and ſubſtance ſo covenanted to be left, granted, or aſſured unto the ſaid E. and out of the value of the ſame, And the ſaid T.T. his heires and aſſignes, to be of ſo much thereof diſcharged, any thing in theſe preſents to the contrarie notwithſtanding.

And the ſaid T.T. alſo covenanteth that he the ſaid T.T. ſhall ſuffer as well all manors, lands, and tenements, whereof the ſaid T.T. now at this preſent is ſeiſed of any eſtate of inheritance, as alſo all other manors, lands, tenements and hereditaments, that at any time hereafter the ſaid T.T. ſhall fortune to have by deſcent from any of his Anceſtors, in poſſeſſions, reverſion, or remainder, or otherwiſe to deſcend, remaine, or come in poſſeſſion, reverſion, or remainder, to the heires males of the ſaid T.T. which ſhall be begotten of the body of the ſaid D.E. cleerely exonerated and ſaved harmeleſſe &c. of &c.

And

And it is further provided, covenanted, and condeſcended, &c. that it ſhall bee lawfull for the ſaid L.L. during his life, or by his laſt will and teſtament, to demiſe, grant, deviſe, or diſpoſe by the aſſent and agreement of the ſaid E. to their children, which the ſaid L. L. ſhall beget of the body of the ſaid E. or to any of them, for terme of their lifes, or for terme of life of any of them, any part or parcels of the ſaid mannors, land &c. (except before excepted) any covenant, grant, &c. before mentioned, to the contrary in any wiſe notwithſtanding. And it is alſo further covenanted &c. that where the ſaid L.L. by his writting obligatorie bearing date of theſe preſents, ſtandeth holden and bound unto the ſaid &c. in the ſum of a M. markes of lawfull money of England, with condition thereupon endorſed, for the performing and fulfilling of all & ſingular the articles, covenants, &c. herein contained on his part to be obſerved & kept as by the ſaid writting obligatorie it doth more plainly appeare, if in writting ſubſcribed with the hand of the ſaid E. at any time during her life, it ſhall bee declared and expreſſed, that the ſaid writting obligatorie from thenceforth ſhall be void, or that ſhe the ſaid E. would have the ſaid writting obligatorie to be void, that then, and from thenceforth the ſaid writting obligatorie ſhalbe utterly void & of none effect. Provided alwaies, that if at any time hereafter it ſhall be declared in writting, ſubſcribed with the hand of the ſaid E. that her meaning or intent is, that any covenants, grants, articles, or agreements in theſe preſents mentioned, ſhall be void & of none effect, that then & from thenceforth ſuch and ſo many of the ſaid covenants, articles, & agreements, as ſhall be expreſſed, mentioned or contained in any ſuch declaration, ſhall be from thenceforth utterly void and of none effect: any thing in theſe preſents contained to the contrarie in any wiſe notwithſtanding.

Provided alwayes, that it is fully concluded and agreed, by and betwixt the ſaid parties to theſe preſents, that it ſhalbe lawfull, to and for the ſaid L.L. by the aſſent, conſent, and agreement of the ſaid E. to alien, ſell, or exchange, any part or parcell of the ſaid manors, lands, tenements, or hereditaments, except the manſion houſe, or capitall meſnage of H. in the Countie of &c. and the demeane lands of H. aforeſaid, and all lands, tenements, and hereditaments, accompted, reputed or occupied as demeane lands of H. aforeſaid, at any time within 60. yeares laſt paſt before the date hereof: And alſo except the ſaid meſnage &c. So alwaies, that the ſaid L.L. and his heires, by reaſon of the alienation, ſale, or exchange hee and ſhall receive, take, and have in lieu and recompence thereof, other lands, tenements, &c. ſo much in quantity, and of ſo much yearely value, or better, & like eſtate or better, as the ſaid lands ſo alienes, ſold, or exchanged were of, to all reſpects & purpoſes. Provided alwaies that it ſhalbe law-

lawfull, to & for the said T.T. by his sufficient writting indented, sealed, with his seale, and lawfully executed, to demise, grant, and let to ferme all and singular the premisses with th'appurtenances, or any part or parcell thereof, except such as be, or shall be assured to the said E. for her Jointure, and except the said messuage, lands, &c. to any person or persons, for terme of three lives, or under, or for xxi. yeares or under, in possession onely and not in reversion, so that the auncient yearely rents, customes, and services, or more be reserved or payable upon every such demise, or lease, to have continuance during the terme thereof, and so that any such demise and lease be not made without impeachment of wast, and also to assure and convey a parcell of land called R. lying and being in G. to the use of the said E. for terme of her naturall life, so that the same be not made without impeachment of wast. Provided also, and it is agreed, by and betweene the parties to these presents, that it shall be lawfull for the said T.T. by his writting, or writtings, sealed with his seale, or by his last will and Testament in writing, to give, grant, &c. to every and either of his yonger sons of the body of the said E. lawfully begotten, not being the heire apparant of the said T.T. one annuity or rent charge of x. li. by the year, for the terme of the naturall life of every such son, to whom such gift, grant, devise, or request, shall be made, issuing & going out of any the manors, messuages, lands, tenements, and hereditaments of the said T.T. except before excepted. And also if it happen B.C. daughter of the said T.T. not to be maried in the life time of the said T.T. that then it shal likewise be lawfull, to and for the said T.T. by his writing indented, sealed with his seale, or by his last Will and Testament in writing, to give, grant, devise, and bequeath to the said B. one annuitie or rent charge of forty Markes by yeare, untill the summe of CC. Markes be levied and paid, that is to say, for the terme of five yeares: Provided, that if the said B. happen to die before she shall be maried, that then the said Annuitie or rent charge to cease and be void, and the said summe of CC. Markes, to be graunted and assured unto her, for, and towards her preferment in Mariage or otherwise. And further, the said T.T. doth covenant and grant for &c. to and with &c. by these presents, that if the said Mariage take effect one third part of all and singular the goods, chattels reals and personals, moveable and immoveable, jewels, plate, and implements of houshold, in three parts to be divided, whereof the said T.T. shall be possessed at the time of his death, or his executors, within one yeare next after his decease, without fraud or covin shall remaine and be by force of the gift, or of the last will and Testament of the said T.T. unto R. sonne and heire apparant of T.T. for, and in the name of such heire lomes, as should and ought to be left by the said T.T. unto him the said R. And lastly, the said

T.T.

W.T. for his part, doth covenant &c. by theſe preſents, that if it fortune the ſaid R.T. to deceaſe in the life of the ſaid T.T. his father, having any iſſue in life at the time of the deceaſe of the ſaid T.T. that then the ſaid W.T. at the reaſonable requeſt of the ſaid Sir I.W. his heires, or executors ſhall and will lawfully and ſufficiently give, grant, aſſure, and confirme unto any one of the ſonnes of the ſaid T. except the eldeſt ſonne and heire apparant of the ſaid R.T. one yearely rent charge of &c. iſſuing and going out of the ſaid manors, meſuages, lands and tenements, except before excepted, To have and to hold the ſaid rent charge, immediatly from and after the deceaſe of the ſaid R.T. for and during the naturall life of every the ſonnes of the ſaid R. T. to whom the ſame ſhall be granted, conveyed, or aſſured. And alſo that if it fortune the ſaid R.T. to deceaſe during the life of the ſaid T.T. his Father, then likewiſe he the ſaid T.T. upon the like requeſt of him the ſaid Sir I.W. his heires or executors ſhall and will lawfully, and ſufficiently give, graunt, aſſure, and convey landes and tenements of the cleere yearely value of &c. not before excepted unto ſuch perſons and their heires, as the ſaid Sir I.W. ſhall nominate and appoint, to the uſe of the ſaid perſons, for and untill ſuch time as the ſaid perſons, their heires or aſſignes, ſhall or may have received, levied, and had of the iſſues and profits thereof, ſuch and ſo great ſums of money, as ſhall and will amount and extend, to content and pay to every one of the daughters of the ſaid R.T. that ſhall happen to be unmaried, to the mariage money unpaid at the time of the deceaſe of the ſaid R.T. the full ſumme of CC. pound a peece to every one of the ſaid daughters, the ſaid ſumme to be paid at ſuch time, as they ſhall ſeverally accompliſh, and come to the age of xviij. yeares, to and for their preferment in Mariage, or otherwiſe. In conſideration of which mariage, to be had and ſolemnized, and of the conveyances, grants, articles, and agreements aforeſaid, the ſaid Sir I.W. doth covenant &c. to content, ſatisfie, and pay, or cauſe to be contented, ſatisfied and paid unto the ſaid T.T. his executors, adminiſtrators, or aſſignes, being ſufficiently authorized under his hand and ſeale, the full ſumme of 600. pound in manner and forme following, that is to ſay, &c. And moreover it is covenanted &c. that if it ſhall happen the ſaid T.T. to deceaſe in the life time of the ſaid C. having a daughter or daughters of the body of the ſaid C. that he the ſaid T.T. by his laſt will and Teſtament, or otherwiſe by ſome act to be executed, or cauſed to be executed in his life time, ſhal make ſuch conveiance, aſſurance, or proviſion, that every ſuch daughter or daughters, at her or their ſeverall ages of xviij. yeares, may be truly ſatisfied, contented, and paied, of the ſumme of C. pound &c. to and for their preferment of Mariage. And it is further concluded betwixt the ſaid parties, that it ſhall and may be lawfull

to the ſaid T. T. by the conſent of the ſaid R. T. his ſon, to exchange any part of the premiſſes for other lands (except before excepted) ſo as the ſaid T. T. take and have to him and his heires males, aſſured lands and tenements of as much value or more, as the lands or tenements which he the ſaid T. T. ſhall give away in exchange, ſhall amount unto: Any thing &c. notwithſtanding. And the ſaid T. T. alſo covenanteth and granteth, to and with the ſaid &c. that within one Moneth next after the ſolemnization of the Mariage, he the ſaid T. T. ſhall grant unto the ſaid A. B. by his ſufficient deed in writing, and with a ſufficient clauſe of diſtreſſe, one annuitie or rent charge of one C. pound to be going out, and to be perceived out of all the ſaid manors, lands, tenements, (the Jointure of the ſaid C. and all lands wherewith ſhe hath, or ſhall have any eſtate for terme of her life, as is aforeſaid, onely excepted) during the life of the ſaid A. B. to take effect, preſently after the ſolemnization of the ſaid Mariage, and to be payable at the feaſts of &c. by even portions: The firſt payment thereof to be at ſuch of the ſaid feaſts, as firſt ſhall happen after the ſaid Mariage. In witneſſe whereof &c.

Covenants of Mariage of a King.

HEc Indentura facta inter præclariſſ. & ſereniſſ. Dei gratia I. S. Regem ex una parte, & dominam M. eadem gratia excellent', potent' ac metuendiſſ. Principis H. dei gratia Regis Angliæ, Franciæ, & Hibern' &c. & Præclariſſimæ illuſtriſſimæ dn'æ E. nuper Regin', Angl, conſortis ſuæ filiam primogenitam, & præf. Regis per verba de præſenti matrimon' contract' diſponſat' ex alia parte, Teſtatur quod cum præf. ſereniſſim. S. Rex per literas ſuas patentes, magno ſigillo ſuo ſigillat' ac ſigno ſuo manuali ſubſcript', Dat' apud E. die menſis I. ultimo, Dederit & conceſſerit præf. M. principi Caſtrum & villam de D. maneria de N. & F. in Regno S. cum ſuis membris, juribus, proficuis, commoditat', & pertinent' quibuſcunque annui valoris ſex millium librarum, legalis & uſualis monetæ S. jam currentis & habentis curſum in regno Scotiæ, Et quæ conſtituunt duo millia libr' ſterling', & jam currentis & habentis curſum in regno Angliæ: Habendum & tenendum præf. ſereniſſ. Principi M. ad terminum vitæ ſuæ naturalis, prout in eiſdem literis Patentibus inter alia plenius apparere poterit: præfat' M. princeps bono, læto & pergrato animo tradidit & dimiſit, & per præſentes concedit præf. illuſtriſſ. principi S. Regi omnes & ſingulos fructus, redditus, & provent' ex prædict' caſtris, villis, dominiis, maneriis, terris, & prædict' redditibus, provenientes & creſcentes, Salvis & exceptis, & pref. M. durante vita ſua naturali reſervat' ad uſum ſuum proprium de eiſdem fructibus, redditibus, & provenientibus ſumma mille librarum, legalis & uſualis monetæ S. jam currentis & habentis curſum in regno S. quæ faciunt & conſtituunt quingentas Marcas ſterlingorum mo-

neta

netæ jam currentis & habentis curſum in regno Angliæ: Recipiend' annuatim per dict' regem S. vel per ejus deputatos ſeu ſervientes, & pref. M. principi, ad uſum ſuum proprium, ad feſta Paſch. & S. Michaelis Archangeli æquis portionibus deliberand' & ſolvend'. Et præter & ultra dictas mille libras monetæ S. ſupportand', exhibend', præſtand', & miniſtrand', ſupportari, exhiberi, præſtari, & miniſtrare faciendo, durante vita ipſius illuſtriſſ. principis ſumptibus & expenſis ejuſdem Regis præf. M. principi, omnia & ſingula quæ ad apparatum corporis ſui, ornatum domorum ſuarum, victus, equitatus, ſupellectilem, utenſilia, victum, ac veſtitum, ac rem familiarem & domeſticam, & alias res quaſcunque, ſecundum honorem, ſtatum, gradum, & dignitatem ipſius M. Principis neceſſaria fuerint, ſeu quoquomodolibet condecentia: Necnon familiaribus domeſticis & ſervientibus ſuorum viris quam feminis, quorum quidem ſervient viginti, & quatuor erunt Anglici, partim viri, partim feminæ, ad optionem & electionem ipſius M. principis, eſculenta, poculenta, ſtipendia, veſtitus, veſturas, equitatus, ac omnia & ſingula alia quæ eiſdem familiaribus, domeſticis, & ſervientibus ſecundum honorem & condecentiam ſtatus & dignitatis ipſius M. ſimiliter neceſſaria fuerint ſeu convenientia ſupportando, exhibendo, præſtando, & miniſtrando, ſupportarive & exhiberi præſtari & miniſtrari faciendo. Et quoties & quando contigerit aliquem vel aliquam dict' ſervient' ſuorum Angl' obire, toties & tunc licebit eidem M. durante vita ſua in loco demortuorū vel demortuarum uſque ad numerum duodecem perſonarum alios vel alias Anglicos vel Anglicas ad ſumptus & expenſas prædict' ſubſtituere & ſubrogare: licebitque præfat' M. prædict' ſummam mille librarum & quamlibet inde parcellam de tempore in tempus durante vita præf. illuſtris principis S. Regis in uſus ipſius M. proprios & aliēnos uſus ſine impedimento ipſius I. S. Regis vel cujuſcunque alterius libere ad votum ſuum committere & diſponere. Et ſi contingat præfatum M. principem prædict' ſereniſſ. Regem S. ſupervivere & poſt mortē ejus ſuperſtitem fore, licebit præfat' M. principi poſt mortem ejuſdem I. Regis S. perfectam realem & corporalem poſſeſſionem ſtatum & titulum ſuos in præd' dominiis, villis, maneriis, terris, prædict' & redditibus durante vita ipſius M. principis continuare & retinere, fructuſque, exitus, proficua, & reddit' ex eiſdem provenient' ubicunque præfat' M. poſt mortem ipſius S. Regis habitare vel morari, vel ad quæcunque Regna vel partes extra idem Regnū S. ſe transferre vel migrare placuerit, vel contigerit, pacifice, integre & plene ſine aliquali diminutione, impedimento, expulſione, interruptione vel contradictione hæredum vel ſucceſſorum præfat' ſereniſſimi domini Regis S. vel alicujus aut aliquorum aliorum quorumcunque durante vita ipſius M. principis ad uſum ſuum proprium percipere & habere, iſta præſenti conceſſione ſeu dimiſſione in aliquo non obſtante, &c.

A Conveiance in joynture to ſundry uſes reſtraining alienation, and reſerving power to make joyntures and leaſes.

THis Indenture &c. betweene, F. P. and A. his wife, and E. P. ſonne and heire apparent of the ſaid F. P. and B. now wife of the ſaid E. P. and daughter of R. S. on the one party, and the ſaid R. S. on the other party, Witneſſeth, that in conſideration of a mariage already had and ſolemnized betweene the ſaid E. P. and the ſaid R. S. and for a competent and ſufficient joynture to be had and made to and for the ſaid B. in caſe ſhe ſhall happen to ſurvive or overlive the ſaid E. her husband: And for a jointure alſo to be had and made to and for the ſaid A. if ſhe the ſaid A. ſhall fortune to ſurvive and overlive the ſame F. And in conſideration alſo that the manors &c. hereafter mentioned ſhall and may for ſo long time as it ſhall pleaſe Almighty God, be, remaine and continue in the name, blood, and kindred of the ſaid parties, and every of them, as hereafter in theſe preſents is expreſſed and declared, It is now therefore covenanted, granted, concluded, and fully agreed by and betweene the ſaid parties, to theſe preſent Indentures, And every of the ſaid parties, for himſelfe, his heires, Executors, Adminiſtrators and Aſſignes, and every of them by theſe preſents, doth covenant, grant, conclude, and agree to and with the other of them, his heirs &c. and every of them by theſe preſents in manner and forme following (that is to ſay) Firſt, the ſaid F. P. for the cauſes and conſiderations herein before ſpecified, and to the intent his will may be performed, for himſelfe, his heires &c. and every of them, doth covenant, grant, conclude, and agree to and with the ſaid R. S. his heires executors, and adminiſtrators, & every of them by theſe preſents, that the ſaid F. P. or his heires, at their or ſome of their owne proper coſts and charges in the law on this ſide, or before the feaſt of &c. next comming after the date hereof, by his or their deed or other conveyance or aſſurance ſufficient in the law, ſhall and will well and ſufficiently convey & aſſure or cauſe to be conveyed and aſſured unto T. E. and A. E. and their heires for ever, all thoſe the manors and Lordſhips of &c. And alſo the ſeverall moities of all thoſe the manors, Lordſhips of &c. And that the ſaid deed and other conveiance and aſſurance before mentioned to be made, and every of them ſhall be and inure, and ſhall be adjudged, eſteemed, and taken to be inure. And alſo that the ſaid T. E. and A. E. and either of them, and the ſurvivor of them, and his heires, and all and every other perſon & perſons now ſtanding or being ſeiſed of, or in the ſaid manors &c. & other the premiſſes or any parcell thereof, for the ſaid conſiderations herein before expreſſed, at all times from and after the ſaid feaſts of &c. next comming, of,

from

from and after the ſaid conveiance and aſſurance had or made, as is aforeſaid which ſoever of them ſhall firſt happen, ſhall ſtand and be ſeiſed of, and in the ſame, and every part thereof, to the uſes and intents hereafter in theſe preſents expreſſed, That is to ſay, to the uſe and behooſe of the ſaid F. M. and of his aſſignes for & during the joint lives of him the ſaid F. M. and the ſaid E. M. his ſonne, without impeachment of any maner of waſte. And from and after the deceaſe of the ſaid F. in caſe the ſaid F. ſhall fortune to depart this preſent life, during the life of the ſaid E. M. his ſonne, Then, as for and concerning the ſaid Manor and Lordſhip of W. with all his rights, members, and appurtenances, to the uſe and behooſe of the ſaid A. now wife of the ſaid F. M. and of her aſſignes, for and during the terme of her naturall life, (if the ſaid E. M. the ſonne ſhall happen ſo long to live.) And from and after the deceaſe of the ſaid E. M. then as for and concerning the Scite or chiefe manſion houſe &c. to the onely uſe and behooſe of the ſaid B. for terme of her naturall life, for, and in full ſatisfaction and recompence of all ſuch Jointure and Dowre, as to the ſaid B. ſhall, or of right ought to belong or appertaine, by, from or after the deceaſe of the ſaid E. M. her husband. And as for and concerning the reſidue of the ſaid manor of &c. to the onely uſe and behooſe of the ſaid A. and of her aſſignes, abſolutely for terme of her life in full ſatisfaction of the jointure of the ſaid A. And as for & concerning the reverſion &c. of the ſaid Manor &c. as the ſaid uſes, eſtates, &c. herein before limited or expreſſed ſhall be fully ended & determined. And for & concerning the ſaid manor of W. as the eſtates & intereſts thereof before limited or expreſſed in theſe preſent Indentures ſhall fully end and determine; Then to the uſe and behooſe of the ſaid F. M. for terme of his naturall life, without impeachment of any maner of waſt. And from and after his deceaſe, then to the uſe and behooſe of E. M. for terme of his life, without impeachment of any maner of waſte. And from and after his deceaſe, to the uſe and behooſe of the firſt ſonne to be begotten by the body of the ſaid E. M. and of the heires males of the ſame firſt ſonne lawfully begotten. And for default of ſuch iſſue, then to the uſe and behooſe of the ſecond ſonne to be begotten by the body of the ſaid E. M. and of the heires males &c. (to the uſe of ſo many other ſons as ſhall be thought meete, in forme aforeſaid, &c.) And for default of ſuch iſſue, then to the uſe and behooſe of every other the ſonnes to be begotten by the body of the ſaid E. M. ſucceſſively as they ſhall be in the ſeniority or age, and of the heires males of their ſeverall bodies lawfully begotten. And for default of ſuch iſſue, then to the uſe and behooſe of all and every the daughters which the ſaid E. M. ſhall have begotten on the bodies of the ſaid B. at the time of his deceaſe being then unmaried, and of their aſſignes, from and after ſuch time as each of them ſhall

shall have accomplished their severall ages of xviij. yeares, or be maried, to, and untill such time as every of the same daughters successive one after another, as they shall be in seniority or in age, shall or may levie, receive, and take to every of their owne proper uses and behooves, of the rents, profits, and issues of the premisses, the severall summes of three hundreth pounds a peece of currant money of England, or otherwise shall be fully satisfied, contented, or paied of the same severall summes, by such person or persons to whom the nert and immediate reversion or remainder of the premisses shall then by the intent and true meaning of these presents of right belong and appertaine. And from and after such time as the said severall summes of three hundreth pounds shall be fully levied, received, or paied as is aforesaid &c. And for default of such daughters which soever of them shall first happen, then to the use and behoofe of T. M. second sonne of the said F. M. for terme of his naturall life, without impeachment of any manner of waste. And from and after his decease, then to the use and behoofe of the first sonne to bee begotten by the body of the said T. M. and of the heires male of the body of the same first sonne lawfully begotten. And for default of such issue &c. (to other sons and daughters, as here before, And so to as many sons of the donour by name as shall seeme good, in manner aboveſaid.) And for default of such issue, then to the use and behoofe of the said E. M. and of his heires for ever: And as for and concerning the said moities of the said &c. to the onely use, and behoofe of the said F. M. and of his assignes, for and during the term of his naturall life, without impeachment of any manner of waste. And from and after his decease, then to the use and behoofe of the daughters of the said F. M. that is to say, M. E. F. and T. and of L. M. daughter of the said E. M. as shall be unmarried at the decease of the said F. M. and of their assignes for, and untill such time as every of the said daughters so unmaried at the time of the decease of the said E. F. one after another, as they shall be in seniority, or in age, shall or may fully have, levie, receive and take of the rents, issues, and profits thereof, for, and towards their severall preferments and maintenance, the summe of three hundred pounds a peece, of good &c. And from and after such time as the said severall summes of three hundreth pounds a peece, shall, or may be had, levied, or taken, as is aforesaid: then to the use and behoofe of the executors and administrators of the said F. M. for, and during the terme of tenne yeares, then nert following, for, and towards the paiment of the debts of the said F. M. the Father, and for & towards the performance of his last Will & Testament. And from and after the end &c. of the said terme of ten yeares, Then to the use & behoof of the said E. M. for terme of his naturall life, without impeachment of any manner of Waste. And from & after his decease,

deceaſe, then to the uſe and behooſe of the firſt ſonne, to be begotten by the body of the ſaid E.P. and of the heires males of the body of the ſame firſt ſonne lawfully begotten. And for default &c. ut ſupra. And the ſaid F.P. the father for himſelfe, his heires, executors, and adminiſtrators, covenanteth and granteth, to and with the ſaid R.S. his heires and aſſignes, and every of them by theſe preſents, That he the ſaid F.P. the father, his Heires, Executors, Adminiſtrators, or aſſignes, or ſome of them, ſhall and will at all times, from and after, the deceaſe of the ſaid E.P. well and ſufficiently acquite and diſcharge, or ſave harmeleſſe the ſaid manſion houſe, lands &c. and all other the premiſſes herein before limited or appointed, to, and for the jointure of the ſaid B. and every part and parcell thereof, of, and from all and all manner of former bargaines, &c. whatſoever, had, made, done, cauſed, or acknowledged by the ſaid F.P. or any other perſon or perſons, by his title, aſſent, meanes, or procurement. Rents and ſervices from thenceforth to bee due to the chiefe Lord or Lords of the fee or fees of the premiſſes, And &c. only foreprized & excepted. And further, that he the ſaid F.P. and his Heires and Aſſignes, and every of &c. for further aſſurance in the Law, ſuretie, ſure making and conveying of all the ſaid manors, Lands, Tenements, and other the premiſſes and every part thereof, to be conveied and aſſured to the ſeverall uſes, purpoſes, and intents herein before erpreſſed, and according to the intent and true meaning of theſe preſents. Be it by fine &c. Nevertheleſſe it is alwaies provided, that it ſhall and may be lawfull to and for the ſaid E.P. T.P. R.P. W.P. and I.P. the ſonnes, and to and for every of them, and to and for all and every of the iſſues males, to whom any intereſt or eſtate is herein before limited in the premiſſes, or any part thereof, and being ſeiſed in demeſne of any eſtate of freehold, or inheritance, of, or in the premiſſes, or any parcell thereof, not being erpectant upon any other eſtate or eſtates, at his and their, and every of their free wills, liberties, & pleaſures, to make any leaſe or leaſes for terme of three lives, or xxj. yeares, or under, and not diſpunishable, neither without impeachment of waſte to any perſon or perſons, of all and ſingular the ſaid mannors, lands, tenements, & other the premiſes in T.S. &c. (ut ſupra) before mentioned, and every or any of them, or any part or parcell thereof, other then of the ſcite of demeſne lands &c. whereupon the old and accuſtomed yearely rents or more ſhall bee reſerved to continue during the ſame leaſe or leaſes to be had or made. And that all ſuch leaſes ſo to be made, ſhall be good and available in law, to all intents and purpoſes. And that at all times from and after the making of all and every ſuch leaſe or leaſes, the ſaid conveyance and aſſurance ſhall be, and the ſaid T.E. and A.E. and their heires and aſſignes, and every of them, and all and every other perſon and perſons

then ſtanding or being ſeiſed of, or in the premiſes ſo to be demiſed or letten, or any part or parcell thereof, ſhall ſtand and be ſeiſed thereof, and of every part and parcell thereof, as for and concerning onely all and every of the ſame lands, tenements, and hereditaments, ſo to be demiſed or leaſed, as is aforeſaid, to the uſe of all and every ſuch perſon or perſons, their executors, adminiſtrators, or aſſignes, to whom any ſuch leaſe or leaſes ſhall be ſo thereof made, and according to the true intent and meaning of all and every the ſame leaſe or leaſes. and of theſe preſents: ſo alwaies as the ſame leſſees, their executors, adminiſtrators and aſſignes, and every of them, doe well and truly yeeld or pay, or cauſe to be yeelded & paied the ſeverall rent and ſervices in the ſame leaſe and leaſes. and every of them to be reſerved to ſuch perſon and perſons for the time being, as by the intent & true meaning of theſe preſents ſhall have the next and immediate reverſion or remainder of the ſame premiſſes ſo to be leaſed, at the dayes and feaſts to be compriſed in all and every the ſame leaſes, or within xl. dayes next enſuing every of the ſaid dayes and feaſts. And after the expiration of the ſame leaſe or leaſes and every of them, as they ſhall ſeverally end and determine, then the ſaid conveiance and aſſurance ſhall be and inure. And the ſaid T. E. and A. E. and all and every other perſon and perſons, then ſtanding or being ſeiſed of, or in the premiſſes ſo to be demiſed or letten, or any parcell thereof, ſhall at all times from thenceforth ſtand and be ſeiſed of, and in the ſame and every part or parcell thereof, to ſuch uſes, purpoſes, and intents, as beene before in theſe preſents expreſſed and declared. and as by the true intent and meaning of theſe preſents they ſhould or ought to have done, if no ſuch leaſe or leaſes made thereof at any time had beene made, any matter or thing to the contrary thereof in any wiſe notwithſtanding, Nevertheleſſe, it is alwayes provided and fully covenanted &c. by and betweene the ſaid parties to theſe preſent Indentures and every of them, that if the ſaid E. T. R. M. G. and I. M. or any of them, or any the heires of their ſeverall bodies to whom any uſe or uſes, eſtate or eſtates, of, or in the ſaid manors, lands, &c. before mentioned, or any part or parcell thereof by theſe preſents is limited, declared, appointed, or agreed to be conveied in manner and forme aforeſaid, ſhall at any time after the ſaid aſſurance had and made as is aforeſaid, adviſedly, wittingly, determinately, and effectually procure or aſſent, to, or for any act or acts, thing or things, for any bargaine, ſale, diſcontinuance, alienation, exchange, or forfeiture to be had or made of the ſaid manors lands tenements, hereditaments, and other the before named premiſſes, or any part or parcell of them or any of them to him, them, or any of them as is aforeſaid, by theſe preſents limited, declared or agreed to be conveied in uſe or in poſſeſſion, whereby any eſtate of the premiſſes,

milles, or any part or parcell thereof, in uſe or poſſeſſion, mentioned, limited, or declared by theſe preſents may, or ſhould by any meanes be undone, diſcontinued, barred, determined, or forfeited: And the ſame bargaine, ſale, diſcontinuance, alienation, exchange or forfeiture, or any other effectuall thing or act towards the ſame effect, ſhall attempt cauſe procure, command, or wittingly or willingly aſſent unto, or ſuffer to bee attempted, gone about to be executed, performed, proſecuted, or put in ure, by the knowledging of any note or notes, of, or for any fine or fines to be levied, or by knowledging of any warrant or warrants, of Attornie or Attornies for any recoverie or recoveries, to be purſued, or entrie into any warranty by any meanes whatſoever, or by knowledging any warrant for the ſame, or any purchaſe of any writ or writs, by them or any of them, or by any other by their or any of their aſſent or conſent, by apparance or otherwiſe, to any writ or writs of the premiſſes, or any part or parcell thereof, or to any thing in them or any of them, or by knowledge of any deed or deeds, writing or writings to bee inrolled, or by any other effectuall act or acts, thing or things whatſoever, whereof or whereby any bargaine, ſale, diſcontinuance, alienation, exchange or forfeiture ſhall and may inſue: That then immediately from and after the time of ſuch procuring, attempting, cauſing, commanding, willingly aſſenting, ſuffering or going about, in manner and forme as is aforeſaid. And before any ſuch bargaine, ſale, diſcontinuance, alienation, exchange or forfeiture ſhall be executed, executed, committed or done, the ſaid uſe and uſes, eſtate and eſtates limited and declared in theſe preſents unto him, or them, and to as many as ſhall attempt, cauſe, procure, command, or willingly aſſent or ſuffer any ſuch act or acts, thing or things to be proſecuted, executed, performed, done, or put in ure or gone about to be executed, done, performed or put in ure, in manner and forme before declared, whereupon any bargaine ſale, diſcontinuance, alienation, exchange, or forfeiture ſhall, may or might inſue, contrary to the true intent and meaning of theſe preſents, of and in ſuch and ſo much of the ſaid manors, lands, tenements, and hereditaments, with the appurtenances, for the which any the thing or things aforeſaid ſhall be ſo attempted, cauſed, procured, commanded, aſſented or ſuffered to be executed, performed, done, or put in ure, or gone about to be executed, performed, done, or put in ure, contrarie to the true meaning of theſe preſents, ſhall ceaſe as in reſpect only and having regard to ſuch perſon or perſons, onely ſo attempting, procuring, cauſing, commanding, willingly aſſenting to, ſuffering, or going about any ſuch act or acts, thing, or things aforeſaid, as if ſuch perſon or perſons ſo attempting cauſing, commanding, or procuring, were naturally dead, and not otherwiſe. And that then and in ſuch caſe it ſhall be lawfull to and for every ſuch perſon

ſon and perſons to whom the uſe and poſſeſſion thereof ſhould come, grow, or be by the true intent and meaning of theſe preſents, to enter and to enjoy the ſame, as if ſuch perſon or perſons that ſo ſhall procure or aſſent to or for any ſuch act or acts, thing or things to be done or attempted, were naturally dead, and in none otherwiſe, and of ſuch and the like eſtate and eſtates, and in like manner and forme to all intents and purpoſes, and with like remainders in uſe over, and with like limitations & conditions as the ſame ſhould have come, growne or beene, if the ſame perſon that ſo ſhall procure or aſſent to or for any ſuch act or acts, thing or things to be done or attempted at or immediately before the time of ſuch procuring or aſſenting were naturally dead and in none other manner.

And the ſaid R.S. on his part, and in conſideration of the ſaid mariage doth for himſelfe, his heires and executors, covenant, promiſe, and grant to and with the ſaid F.M. his heires and aſſignes, and every of them by theſe preſents: That he the ſaid R.S. or his heires, at his or their, or ſome of their owne proper coſts and charges, ſhall and will before the feaſt of &c. nert comming after the date hereof, well and ſufficiently convey and aſſure, or cauſe &c. (ut ſupra, like in all things to the making of the conveyance made by the ſaid F.M.) Which conveyance and aſſurance ſo to be had and made of the ſaid manner of C. &c. and all other the premiſſes laſt before mentioned, or any part or parcell thereof, as is aforeſaid, And all other conveyance and aſſurance thereof, or of any part thereof to be had or made at any time or times on this ſide or before, the feaſt of &c. ſhall be, and all perſons ſtanding or being ſeiſed of or in the ſaid premiſſes laſt mentioned, or of any part thereof, at all times from and after the ſaid feaſt, or from or after the ſaid conveiance and aſſurance laſt mentioned, ſo had and made, as is aforeſaid, which ſoever ſhall firſt happen, ſhall ſtand and be therof and of every part and parcell thereof, ſeiſed to the uſes, intents, and purpoſes hereafter in theſe preſents expreſſed and declared, and to or for none other uſe, intent, or purpoſe: that is to ſay, To the uſe and behoof of the ſaid R.S. and of his aſſignes, for and during the time of his naturall life, without impeachment of any maner of waſte, And from and after the deceaſe of the ſaid R.S. to the uſe & behoofe of the executors, adminiſtrators & aſſignes of the ſaid R.S. for and untill the full end and terme of 4. years, nert and immediately enſuing the deceaſe of the ſaid R.S. and from and after the ſaid terme of foure yeares being fully ended and expired, Then to the uſe and behoofe of the ſaid E.M. and B. and of the heires males of the body of the ſaid B. by the ſaid E.M. begotten. And for default of ſuch iſſue, then to the uſe and behoofe of the heires males of the ſaid B. by the ſaid E.M. lawfully begotten. And for default of ſuch iſſue, then to the uſe and behoofe of the heires of the body of the ſaid B. lawfully

begotten,

begotten. And for default of ſuch iſſue, then to the uſe and behoof of E.S. wife of H.S. and F.H. now wife of I.H. other two of the daughters of the ſaid R.S. and of the heires of their two bodies lawfully begotten. And for default of ſuch iſſue, then to the uſe of ſuch perſon or perſons, and their heires, as the ſaid R.S. ſhall by his laſt will and teſtament in writing, or by any other his deed indented, by him to be ſealed and ſubſcribed with his name and proper hand writing, ſhall be to that end named and appointed, and that in ſuch ſort, with ſuch limitations and conditions, as therein ſhall be named and appointed. And for want of writing, and ſuch laſt will and teſtament, and after the uſe and eſtates herein before theſe preſents limited or expreſſed being fully ended: Then to the only uſe and behoofe of the ſaid R.S. and of his heires and aſſignes for ever, & to none other uſe, purpoſe, or intent. Provided alwaies that &c. E.H. ut ſupra ex parte F.M. And moreover, it is covenanted, granted, concluded, condeſcended, and fully agreed, by and betweene the parties to theſe preſent Indentures, and every of the ſaid parties, for himſelfe, his heires and aſſignes, doth covenant, grant, conclude, and agree, to and with the other of them their heires and aſſignes, and every of their heires and aſſignes, and every of them by theſe preſents, that as well the ſaid F.H. and R.S. and their heires, and the heires and aſſignes of either of them, as all and every other perſon and perſons, now ſtanding or being ſeiſed or which at any time or times, from and after the ſaid feaſt of &c. nert comming after the date hereof ſhall ſtand or be ſeiſed, of or in the ſaid manors, meſuages, lands, tenements, and other the premiſſes before in theſe preſents mentioned or expreſſed, or every, or any part or parcell thereof which before the ſaid feaſt of &c. next comming, ſhall not be ſufficiently conveied and aſſured unto the ſaid L.E. and A.E. and their heires, to the ſeverall uſes, purpoſes, and intents, herein before expreſſed, at all and every time or times, from and after the ſaid feaſt of &c. nert comming, for the conſiderations aforeſaid, ſhall ſtand, and be ſeiſed, of, or in the ſame and every part and parcell thereof, to the uſes, purpoſes, and intents before, in theſe preſents expreſſed and declared, according to the intent and true meaning of theſe preſents, and to none other uſes, intents, and purpoſes: any matter or thing to the contrarie thereof in any wiſe notwithſtanding. In witneſſe whereof the parties aforeſaid to theſe preſent Indentures interchangeably have ſet their hands and ſeales. Dated the day and yeare firſt above written.

Covenants for Mariage, and for a Ioincture.

THis Indenture made &c. Betweene R.C. of the one party, and A.C. of the other party Witneſſeth &c. For and in conſideration of which mariage ſo to be had and ſolemnized betweene the ſaid parties in forme aforeſaid, and for, and in conſideration of the ſumme of five hundred markes of &c. before hand paied, whereof the ſaid &c. And for the naturall love and affection which the ſaid I.C. beareth unto the ſaid F. his brother and heire apparant, and for a Ioynture to be made after mariage had to the ſaid A. the intended wife of the ſaid F. and for the extinguiſhment of one annuall rent or annuity of x.li. or thereabout, claimed by the ſaid F. out of the lands, tenements, and hereditaments of the ſaid I.C. by reaſon of the laſt will and teſtament of I.C. deceaſed his late father and otherwiſe, and alſo for divers other good conſiderations him moving, he the ſaid I.C. for him, his heires, executors and adminiſtrators, and every of them doth by theſe preſents covenant, grant, promiſe, and agree, to and with the ſaid R.C. his heires, executors, and adminiſtrators, and every of them, that he the ſaid I.C. is lawfully ſeiſed of an eſtate of inheritance, of and in the manor of F. &c. and of and in divers, &c. of the cleere yearely value of an C.li. or more. And that he the ſaid I.C. his heires or aſſignes, within fortie daies next after the ſolemnization of the ſaid mariage to be had betweene the ſaid F. and A. in forme aforeſaid, ſhall make and execute, or cauſe to be made and executed unto the ſaid F.C. and A. his intended wife, one good, ſure, lawfull, and ſufficient demiſe, or leaſe in writing for the lives of the ſaid F. and A. and the longer liver of them. And ſhall thereupon execute eſtate of the ſame by livery of ſeiſin, and by attornement of the tenants thereof, or otherwiſe in due forme of law make ſufficient aſſurance and conveiance of all that the ſaid manor of &c. and of &c. Except &c. To have and to hold the ſaid manor of F. and all the lands, tenements, & other hereditaments, with the appurtenances thereunto belonging or appertaining (except before excepted) to the ſaid F.C. & A. his intended wife for terme of their two lives, and the longer liver of them, reſerving in the ſaid Leaſe to the ſaid I.C. and his aſſignes during his life the yearly rent of xx. li. at two uſuall feaſts in the yeare to be paied: that is to ſay, at the feaſt of St. Philip & Iacob, & at the feaſt of St. Michael the Archangell, by even portions, with a clauſe of diſtreſſe and nomine pœnæ to be contained in the ſaid leaſe, that if the ſaid rent or any part thereof be behind at any of the ſaid feaſts, during the life of the ſaid I. before limited, and by the ſpace of fortie daies after, it being lawfully demanded, that then the ſaid F.C. and A. his wife, and the longer liver of them,

ſhall

ſhall forfeit and pay to the ſaid I.C. his heires & aſſignes, over and above the ſaid rent ſo being behind and unpaied v.li. of lawfull English money nomine pœnæ, and with a clauſe of diſtreſſe, aſwell for the ſaid ſumme of five pounds nomine pœnæ, as for the ſaid yearely rent of twentie pounds ſo to be reſerved by the ſaid leaſe. And alſo with a covenant to be contained within the ſaid Leaſe on the behalfe of the ſaid F. and A. that the ſaid F. and A. and the longer liver of them ſhall from thenceforth ſufficiently repaire, uphold, maintaine, and keepe the ſaid manors, and all other the premiſſes with their appurtenances, together with all the buildings, ſeadikes, walls, banks, and fences belonging to the ſame, in all manner of neceſſary and needfull reparations, when and ſo often as need ſhal require during the ſaid eſtates for life of the ſaid F. and A. and the longer liver of them before limited, at the proper coſts and charges of the ſaid F. and A. & the longer liver of them. And that the ſaid F. and A. & the longer liver of either of thē, ſhall alſo during the eſtates of the longer liver of them pay all manner of outrents due to be paid & going out of the premiſſes before limited. For the better perfecting and aſſurance of which ſaid Leaſe, and for the aſſurance of a Joynture to be made to A. now wife of the ſaid I.C. and for the extinguiſhing of all titles of Dower of the ſaid A. now wife of the ſaid I. in all the hereditaments in F. and B. aforeſaid, and in all other the Manors and Hereditaments of the ſaid I.C. And for the defeating and making void of all former ſuppoſed ancient intailes whatſoever, of the ſaid Manors, Lands, and Hereditaments, before leaſed by theſe preſents, in manner and forme aforeſaid, whereby the ſaid leaſe may the better be perfected and made ſure, without any ſcruple or doubt in law, And for the eſtabliſhment of a great part of the inheritance of the ſaid I. hereafter mentioned to the Heire Males of his houſe. And for divers other good cauſes and conſiderations him moving, he the ſaid I.C. doth further covenant &c. that he the ſaid I.C. and the ſaid A. his wife, at the onely coſts and charges in the law of the ſaid Sir R.C. and his heirs, ſhall within one halfe year next after the mariage aforeſaid acknowledge and levie a fine with proclamations, according to the ſtatute in that caſe provided, before the Juſtices of the common pleas at Weſtminſter in due forme of Law, according to the common courſe of fines in ſuch caſes uſed, unto I.C. R.S. H.W. and A.G. as well of and in the ſaid Manor, and all other the premiſſes with the appurtenances in F. and B. aforeſaid being now of the value of C.li. as alſo of the manor of C. with the appurtenances, over and above all yearely charges and reprizes, by the names of the manors of F. and C. with the appurtenances &c. or by the like names in effect, by which fine with proclamations or the like in effect, or by any other name or names whatſoever, ſo to

be

be levied and knowledged in forme abovesaid, he the said I.C. shall knowledge the same Manors and all other the premisses with the appurtenances by the names aforesaid, or the like in effect to be the right of the said consulees, or one of them, as that the said consulees have of his right. And by the same fine shall remise, release, and quite claime the said Manors, Lands, Tenements, and Hereditaments, and all other the premisses with their appurtenances, from him, and his heires, to the said Consulees and their heires, or to the heires of one of them for ever. And further shall by the same fine so to be levied and acknowledged in forme aforesaid, warrant the said Manors, Lands, Tenements, and Hereditaments, and all other the premisses, with their appurtenances to the said Consulees and their heires for ever against all men: which said fine with Proclamation, or the like in effect, so to bee levied and knowledged for the consideration abovesaid shalbe, and the consulees therein named, their heires and assignes, shall stand and bee seised by vertue and force thereof, to the severall uses and intents, and upon the considerations in these presents hereafter severally expressed and declared, and to none other use, intent, or purpose: That is to say, of and in the said Manor of F. &c. and of &c. to the use and behoofe of the said I.C. and of the heires males of the body of the same I. lawfully begotten, And for default of such issue, to the use and behoofe of the said F.C. and of the heires males of his body lawfully begotten, And for default of such issue, to the use and behoofe of the said I.C. and of his heires for ever. And of and in the said manor of C. &c. and of all &c. to the onely use & behoofe of the said I.C. and A. now his wife, and of the heires males of the body of the said I.C. begotten, for, and in full recompence & satisfaction of all titles of Dower and Joynture of the said A. of, and in all tenements and hereditaments of the said I. And for default of such issue, then to the use and behoofe of the said I.C. and of the heires males of his body lawfully begotten. And for default of such Issue, then to the use and behoofe of the said I.C. and of his right heires for ever. And the said I.C. &c. doth covenant &c. that the said Manors of &c. now bee, and at the time of the said lease and assurance to be made, shall be, and so shall and may continue and be for ever hereafter clearly acquited, discharged &c. and incumbrances whatsoever had, made, or done by the said I.C. or by any others for him, in his name, or by his meanes, assent, or procurement &c. And that the said F. and A. and their assignes, paying the aforesaid rent of twenty pounds, at the feasts aforesaid, shall, and may during their lives, and the longer liver of them, at all times from and after the said mariage so had and solemnized, have, hold, and injoy the said Manors of F. &c. (except before excepted) according to the intention of the Lease aforesaid, without any lawfull let or interruption

ryption of the ſaid I.C. his heires or aſſignes. Provided alwaies, and it is covenanted, granted, condeſcended, concluded, and fully agreed betweene the ſaid parties, to theſe preſents, that if the ſaid I.C. or any of the heires males of the body of the ſaid I. lawfully begotten at any time hereafter, ſhall earneſtly and effectually by open deed or act, intend, goe about, or attempt any act or thing, deed, or deviſe, to be done, or ſuffered, whereby the ſaid Manors of F. and &c. or whereby any uſe or uſes, eſtate or eſtates of the ſame Manors, or any of them, or any part of any of them, or other the premiſſes in the ſaid Townes laſt recited, or any of them, ſhould, might or ſhall be diſcontinued, alienes, avoided, changed, or determined, Or otherwiſe ſhall charge or incumber the ſame Manors, or any of thē, or any part of any of them, or other the premiſſes in the ſaid towns of F.B.T.F.W.R.A. and S. aforeſaid, otherwiſe than with ſuch charges and incumbrances as ſhall onely indure, during the life of the ſaid I.C. or during the onely life or lives of ſuch heires as ſo ſhall charge or incumber, as is aforeſaid, or otherwiſe then with ſuch incumbrances by Leaſes, as be now left at the liberty of the ſame I. to do by theſe preſents, or with leaſes of the ſaid Manor of T. or of any parcell of the premiſſes in T.F.A.W.R. and S. for twenty one yeares at the moſt, whereupon the accuſtomed rent or more ſhall bee reſerved and payable during the terme thereof: That then and from thenceforth the uſe of the ſame I. C. and A. his wife, and of the heires males of the body of the ſaid I. in ſuch of the premiſſes as ſhall bee enterprifed and uſed contrary to the true meaning aforeſaid, ſhall from thenceforth ceaſe. And then from thenceforth the ſaid I.T.R.B.H.W. and A.G. and their heires ſhall ſtand and be ſeiſed of the ſame manors, and other the premiſſes, and every part of every of them ſo interprifed, or uſed contrary to the meaning aforeſaid, to the onely uſe of the ſame F. and the heires males of the body of the ſame F. lawfully begotten. And for default of ſuch iſſue, to the uſe of the right heires of the ſaid I. C. for ever. Provided alſo, and it is covenanted, granted, condeſcended, concluded, and fully agreed betweene the ſaid parties to theſe preſents &c. (ut ſupra, for the other lands.) And for the preferment of the heires males of the body of the ſaid F.C. in remainder after the death of the ſaid I.C. having iſſue male of his body, he the ſaid I.C. doth further covenant, graunt, condeſcend, and conclude, for him, his heires, executors, adminiſtrators, and aſſignes, to and with the ſaid R.C. his heires, executors, adminiſtrators, and aſſignes by theſe preſents, That if it fortune that the ſaid I.C. at any time hereafter during his life to have any iſſue male of his body lawfully begotten, that then he the ſaid I.C. his heires, executors, or adminiſtrators, within one yeare next after ſuch iſſue male of his body ſo had, and it being then in life, ſhall upon the reaſonable

ſonable requeſt of the ſaid R. and of his heires, as well by fine as other good, lawfull, and ſufficient aſſurance and conveiance in the Law, at the onely coſts and charges in the law of the ſaid I.C. ſufficiently aſſure and convey, or cauſe to be aſſured or conveyed to certaine feoffees by the ſame R. his heires or aſſignes to be nominated and appointed, certaine other lands, tenements, and hereditaments to the full and cleere yearely value of xx. li. over and above all charges and reprizes, to the onely uſe of the ſaid I.C. for terme of his life, without impeachment of waſte. And after his death, then to the uſe and behoofe of the ſame I. and of the heires males of his body lawfully begotten, for, and untill ſuch time as the ſame F. ſhall have iſſue of the body of him the ſaid F. and the ſaid A. lawfully begotten. And after to the uſe of the ſame F. for terme of his life, without impeachment of waſt. And after his death to the uſe of the heires males of the body of the ſaid F. lawfully begotten of the ſaid A. And for default of ſuch iſſue, to the uſe of the right heires of the ſame I. for ever diſcharged, or otherwiſe from time to time thenceforth to be ſaved harmeleſſe of all incumbrances, had, made, ſuffered, procured, or done by the ſame I. his heires &c. In witneſſe whereof &c.

Covenants of Mariage.

Sect. 86. THis Indenture made &c. Betweene P.S.P.W. and L.S. on the one party, and T.P. the elder, and R.T. on the other party, Witneſſeth that where the ſaid P. by Gods grace ſhall ſhortly marry and take to his wife A.B. widow, And likewiſe the ſaid A. &c. In conſideration of which mariage to be had and ſolemnized, it is covenanted &c. (that is to ſay) the ſaid P.S.P.W. and L.S. and every of them for &c. that the ſaid P. at, and immediately after his deceaſe ſhall leave unto the ſaid A. to her own proper uſe, if ſhe bee then living, all and ſingular ſuch leaſe and leaſes, goods, chattells, plate, jewels, and money, as ſhe ſhall bring with her to the uſe or poſſeſſion of the ſaid P. the true values whereof are expreſſed, and doe appeare in an Inventorie indented to theſe preſents annexed, or the true value of the ſame, according as the ſame are valued in the ſaid Inventorie, without any wilfull waſt, ſpoile, deſtruction, or diminution thereof, or of any part thereof to be had, made, or done, of, in, or upon the ſame or any part thereof by the ſaid P. or any other by his procurement or meanes, to th' intent to defraud the ſame A. or her aſſignes of the ſame. And alſo that he the ſaid P. ſhall then at the time of his deceaſe leave, give, or lawfully convey & aſſure unto the ſaid A. to her proper uſe, goods, chattels, plate, jewels, and ready money of the proper goods of the ſame P. to the value of 200. li. &c. over and above the ſaid leaſes, goods, chattels, plate, jewels,

jewels and money ſpecifyed in the ſame Inventory, without any fraud or guile by him, &c. done or wrought therein to defraud her of the ſame. And alſo ſhall immediately after his deceaſe leave, give, bequeath, or buy other lawfull means in the law, aſſure and convey to the ſaid A. to her proper uſe, all the Farme or manor of &c. and all his leaſe, or terme of yeares that he hath, or then ſhall have in &c. and that the executors or adminiſtrators of the ſaid P. ſhall within one halfe yeare next inſuing after his deceaſe wel and truly deliver, or cauſe to be delivered to the hands, uſe, and poſſeſſion of the ſaid A. the ſaid goods &c. to the ſaid value of CC. li. and every part thereof. And the Indenture of the ſaid Leaſe of the ſaid Manor of &c. whole, ſafe, and uncancelled and in full force and ſtrength for as many yeares as ſhall be at his deceaſe to come of the aforeſaid terme without any act, thing or things fraud or covin, by him or them, or any of them to be done or willingly ſuffered to the contrary. And furthermore the ſaid P. W. M. W. and L. S. for them &c. covenant &c. That if it ſhall fortune the ſaid P. at any time after the ſaid marriage had betweene him and the ſaid A. during their two lives to purchaſe, obtain, get, or have any lands, tenements, poſſeſſions, or hereditaments, in fee ſimple, or any eſtate of inheritance, that then the ſaid P. ſhal within reaſonable time after the ſaid purchaſe, obtaining or getting of the ſaid lands, &c. from time to time cauſe the ſame lands &c. to be aſſured and made ſure to the ſaid P. and A. and to the heires of their two bodies lawfully begotten, And for default of ſuch heires to the right heires of the ſaid P. And furthermore the ſaid P. S. M. W. and L. S. for them &c. covenant &c. that if the ſaid P. at any time hereafter by the conſent of the ſaid A. ſhall purchaſe, or buy any manors, lands, tenements, or hereditaments, with the money, goods, jewels, plate or chattels, before by theſe preſents covenanted and agreed to be left unto the ſaid A. being mentioned in the ſame Inventory, that then the ſaid P. ſhall aſſure and convey, or cauſe to be aſſured or conveyed all the ſaid &c. with their appurtenances ſo to be purchaſed and bought at a reaſonable time after or upon the purchaſe thereof ſo had and made, to the ſaid P. and A. and to the heirs of their two bodies between them lawfully begotten, and for default &c. ut ſupra. Provided alwaies, & it is fully covenanted, concluded, and agreed between all the ſaid parties by theſe preſents, that if the ſaid P. ſhall at any time hereafter by the conſent of the ſaid A. beſtow, and imploy al or any of her ſaid goods, chattels, money, plate, jewels, or leaſes, before by theſe preſents covenanted and agreed to bee left to the ſame A. in, or upon the purchaſe of the manors &c. and upon or after the ſaid purchaſe do aſſure, and convey the ſame manors ſo purchaſed &c. to the ſaid P. and A. and to the heires of their two bodies lawfully begotten, and for default &c. that then the ſaid P. M. and L. their

heirs, &c. and the executors &c. of every of them, after the same purchase and assurance so had and made to the said P. and A. in manner and forme aforesaid, shall be discharged of the paiment and deliverie of so much of the same money &c. above limited to bee left unto her, as the same manors, &c. so purchased and assured to the said P. And A. and to their heirs aforesaid, shalbe duly proved to have cost at the time of the buying and purchase of the same, without fraud, covin, or guile, any thing rehearsed to the contrary &c. And furthermore the said P. S. M. and L. &c. covenant &c. that he the said P. nor his assignes, nor any other person or persons by his or their meanes, consent or procurement shall do or commit, or wilfully permit or suffer to be done any act or acts, thing or things, whereby such lease or terme of yeares as T. B. late of the said A. did give unto the said M. B. their daughter after the decease of the said A. by his last will and testament, might be determined, surrendred, extinct, or impaired, but that the said manor, lease, and terme of yeers, immediately after the decease of the said A. shall and may come to the said M. according to the will and testament of the said T. B. And also shall deliver unto the said M. at the day of her marriage, or within one yeer after, the residue of all such goods, money, plate, or houshold stuffe, as the said T. B. her late father did bequeath to her by his last will and testament, being duly proved to have comne and remaine, and be in the hands and possessions of the said P. and A. And further the said P. S. M. and L. &c. covenant &c. that if it shall fortune the said A. to decease or depart this mortall world before the said P. without any issue of their two bodies betweene them lawfully begotten, that then the said P. within one moneth next ensuing after the decease of the said A. shall give and pay, or cause to be paied to the said M. xl. li. &c. to buy a nest of goblets. And further if it shall fortune the said A. to decease before the said P. that then the said P. shall licence the said A. before her decease to declare and make her last will and testament in writing, and by the same to give and bequeath to any person or persons, legacies to the value of &c. at her pleasure, and the same last will and testament so made and declared &c. the said P. shall in all things performe and fulfill, according to the tenor and true meaning of the same. In witnesse whereof &c.

Covenants of Mariage.

Sect. 87.

THis Indenture &c. Witnesseth, That it is covenanted and graunted, concluded and agreed, by and betweene the said parties to these presents, in manner and forme following. And first the said W. T. for himselfe &c. doth covenant &c. that T. T. his sonne and heire apparant, at or before the first day of June next ensuing the date hereof, shall by the grace

of

of God, marrie and take to his wife A.R. daughter of the said T.R. if she will thereunto assent, and the laws of the Church will that permit. And that he the said B.T. his heires or assignes, before the first day of J. at the reasonable costs and charges in the law of the said T.R. his executors or administrators, shall and will make or cause to be made, such a good, sure, sufficient, and lawfull estate of all his manors and lordships of R. &c. vnto R.S.J.L.R.R. and T.R. and their heires for ever, as shall be reasonably devised, advised, or required by the said T.R. or his heires, or by his or their Counsell learned in the Lawes of this realm, to the only uses and behooles hereafter in these presents declared, that is to wit, that the said feoffees, their heires and assignes shall stand and be seised of all the said manors, tenements, hereditaments and premisses, with the appurtenances &c. to the use and behoofe of the said B.T. and his heires, for and untill the day of the solemnization of the said mariage, and from and after the solmnization of the said mariage, to the only use and behoofe of the said T.T. and A. for and during their two lives, and during the life of the longer liver of them, and from and after their deaths, to the onely use and behoofe of the said T.T. and to the heires males of the body of the said T.T. of the bodie of the said A. lawfully begotten, and for default of such issue male, then to the use and behoofe of the said B.T. & the heirs males of his body lawfully begotten. And for default of such issue male, then to the use of the right heires of the said B.T. & his heires for ever, With a Covenant to save harmelesse, Except the joynture or dower, or title of joynture or dower of L. now wife of the said B. and except all leases for yeres or lives &c. And except all such auncient estates taile as have been heretofore made of the said tenements and premises, or of any part thereof by any auncestor or auncestors of the said B. And except all such auncient wales and commons of pasture, estouers, quarry, or turbary, as have time out of minde beene rightly had and used, in or through the same, or any part thereof, if any such be. And except the chiefe rents and services, and other rents of ancient time, due and accustomed to be paied hereafter to be come due or payable out of, or for the premisse or any part thereof. Here may bee added Covenants of being seised &c. and of further assurance to the uses aboveseid &c. and for quiet enioying &c. And of and in one other tenement in &c. to the use of the said B. during his life. & after the decease of the said B. then to the use and behoofe of the said T.T. and of the heires males of his body, on the body of the said A. lawfully begotten, and for default of such issue, to the use of the issues females of the said T.T. of the body of the said A. lawfully begotten, for, and during the space of so many yeares after the death of the said T.T. and B. as there shall be severall issues females of the bodies of the said T.T. and A. lawfully

fully begotten, living after the death of the ſaid T. T. and B. if there ſhall bee then living more then one, and under five ſuch iſſues females, and if there ſhall be living after the death of the ſayd B. and T. T. without iſſue male of the bodies of him, and the ſaid A. lawfully begotten, five, or more, ſuch iſſues females of their bodies lawfully begotten, then to the uſe of the ſaid five or more ſuch iſſues females of their bodies lawfully begotten, for and during foure yeares, next after the deaths of the ſaid T. T. and B. And if after the deaths of the ſaid B. and T. T. without iſſue male of the bodies of the ſaid T. T. and A. lawfully begotten there ſhall be living one onely ſuch iſſue female of their bodies lawfully begotten: Then to the onely uſe and behooſe of the ſame one ſuch iſſue female during the ſpace of two whole yeares next after the deaths of the ſaid B. and T. T. And if after the death of the ſaid T. T. the ſaid B. being then dead, there ſhall be no iſſue male or female of the bodies of the ſaid T. T. and A. living, Then to the onely uſe of ſuch his daughter or daughters being borne alive as the ſaid A. ſhall be with child by the ſaid T. T. at the time of his death, during the ſpace of two yeares next after the deaths of the ſaid T. T. and B. if the ſaid daughter or daughters or any of them ſo long doe live. And from and after the end of ſuch yeares, as ſo hereby before limited to the uſes of the ſaid iſſue or iſſues female of the bodie of the ſaid T. T. and A. lawfully begotten after the death of the ſaid B. to the uſe of the ſaid T. T. and of the heires males of his bodie lawfully begotten. And for default of ſuch iſſue male, then to the uſe of the next iſſue male of the bodie of the ſaid B. lawfully begotten, and to the heires males of his body lawfully begotten, and for default of ſuch iſſue male, then to the uſe of the next heire male of the ſaid B. and the iſſue male of the bodie of that heire male lawfully begotten. And for default of ſuch iſſue male, then to the uſe of the ſaid B. and his right heires for ever, and to, or for none other uſe, intent and purpoſe. Provided alwaies, and upon condition following, and nevertheleſſe it is the true intent and meaning of theſe preſent indentures, and of all the parties to the ſame, and of all the aſſurances hereafter to be made by the ſaid B. of the ſaid manors, &c. in S. R. S. E. N. B. S. T. H. M. aforeſaid, and of every or any part thereof that it ſhall and may be lawfull unto the ſaid B. at all times hereafter during the life of the ſaid B. to grant and aſſure unto L. T. the younger ſonne of the ſaid B. one yearely rent, or rent charge of twentie Markes of lawfull Engliſh money, with a clauſe of diſtreſſe for the ſame, to bee iſſuing, perceived, had, and taken by the ſaid L. or his aſſignes, from ſuch time as it ſhall pleaſe the ſaid B. by his ſaid grant to limit the ſame yearly to begin, during the life of the ſaid L. or during any number of yeares that the ſaid B. ſhall therefore ſet downe, name, or appoint, if the ſaid L.

ſhall

shall so long live, out of all, or any of the said manors, lands, tenements or hereditaments S.R. in S.E. P.B. S.T.H. & W. or any of the, or out of any part of them, or of any of them. And that it shall and may be lawfull to and for the said L.T. and his assignes, according to the purport & meaning of such grant of the said rent so to him to be made, as is aforesaid, to distraine for the said rent and arrerages thereof which shall happen to be behind unpaied in any part of the said last recited premisses: any thing in these presents contained, or any conveyance or assurance hereafter to be had or made of the premisses, or any part thereof, to the contrarie in any wise notwithstanding. And the said B.T. for himselfe &c. doth covenant &c. that he the said B. his executors, or assignes, shall and will either by his last will and testament, or otherwise, as shall be reasonably devised by the said T.R. the elder, his heires &c. or by his or their counsell learned in the Lawes, &c. give, convey, & assure, all or so much of those messuages, houses, lands, &c. which the said B. and his assignes now have, hold, and occupie, within the towne, fields, parish, and territories, of S.R. aforesaid, by demise, grant, or lease from the Queenes Majestie that now is, for the terme of any yeares, to the said T.T. & his heires males immediatly from & after the death of the said B. And that he the said T.T. shall and may from and after the death of the said B. have, hold, possesse, & inioy the same lease, lands, tenements, &c from & after the death of the said B. And that the said T.T. shall then be (if he the said T.T. so long doe live) discharged & saved harmeles, of, & from all former bargaines, grants, leases, charges, and incumbrances whatsoever heretofore sithence the 6. day of Feb. last past before the date hereof, and hereafter to be had, made, done, knowledged or willingly suffered of the same premisses, or any part thereof by the said B. or his assignes, with a proviso or condition in such conveiance or assurance thereof to be conveyed, that the said T.T. shall assigne so much of the said terme as shall be to extend at the time of his death to the heires males of his body lawfully begotten. And that he the said B. or his assignes, shall and will at his and their owne proper cost and charges, give, finde, and allow to the said T.T. and A. and to one man servant, one woman servant, and all such children as shall be had and begotten betweene the said T.T. and A. during twelve yeares next ensuing the day of the solemnization of the said marriage, if the said B. so long doe live, such sufficient, necessarie, and convenient house roome, meat, drinke, and lodging, at or in the now dwelling house of him the said B.T. of S. R. aforesaid, or else where the said B. shall Remaine and Dwell, as he the said B.T. shall provide for himselfe and his familie. And that he the said B. shall likewise during the said xii. yeares, if either the Coverture betweene the said T.T. and A. so long doe continue,

or the said A. surviving the said T.T. doe keep her selfe so long a widow, give, find, and allow to them the said T.T. and to the said A. surviving the said T.T. such convenient stable-roome, hay, provender, straw, and grasse for two geldings, horses or mares of the said T.T. or A. him surviving during the said space of twelve yeares next ensuing the day of the solemnization of the said marriage, if the said B. so long doth live, & in such place and manner as the riding horses, geldings, and mares of the said B.T. shall have stable-roome, provender, hay, straw, and grasse during the said time; or if either the said B. shall dislike or refuse to yeeld to and for the said T.T. and A. their said children, servants and horses, such allowance as is aforesaid, or to the said T.T. and A. or the said A. surviving the said T.T. shall dislike or refuse to accept or take such allowance as is aforesaid, that then the said B. every yeare of the said xii. yeares, in which he shall not yeeld to them such allowance as is aforesaid, if the said B. so long do live, shall for the same pay or cause to be paid to the said T.T. and A. during the coverture, and to the said A. surviving and keeping her selfe so long a widow xl.li. of lawful English money, in the now dwelling house of the said B. in S.H. aforesaid at the feast of P. and P. by even portions, And the said T.R. the elder, for himselfe, his executors and administrators doth covenant, promise, and agree, to and with the said B.T. his executors and administrators, that the said A.R. shall and will by the grace of God, at, or before the said 6. day of July now nert comming, marrie and take to her husband the aforesaid T.T. if the said T.T. will thereunto assent and agree, and the lawes of the church will that permit and suffer, &c.

Here may be further expressed such further considerations as be yeelded on the daughters behalfe, and such other covenants and conditions as shall be requisite on that part.

Covenant to make Iointure.

THis Indenture made &c. Betweene W. H. &c. of the one party and T.S. and I.L. of the other party, Witnesseth, that the said W.H. for and in consideration of iointure to be made to I. his wife, for himselfe &c. covenanteth &c. that he the said W.H. his heires and assignes, before the feast day &c. shall make or cause to bee made to the said T.S. and I.L. a good, perfect, sure and sufficient estate in the law in fee simple, of, and in all his manor of P. &c. To have and to hold the said manors, lands, tenements, and all and singular the premisses with the appurtenances to the said T.S. and I.L. to the onely use of the said W.H. and I.S. his wife, during the life of the said I. and to the heires of the said W.H. for ever.

And

And for further assurance, security and sure making of the said manors, lands, tenements, and all other the premisses, to be had and made to the said C. and I. and to their heires, to the use and intent aforesaid, The said W. H. for him &c. covenanteth &c. that he the said W. H. his heirs and assignes from time to time, and at all times during the space of &c. upon reasonable request &c. as in covenants of further assurance, and saving harmeless.

Except the yearly rents, customes, and services which hereafter shall be due, or going out of the premisses, or of any part or parcell thereof, to the Queene our Soveraigne Lady, or to the Lord or Lords of the fee or fees. And except all leases and grants by copy of a Court roll of the same manor made, or to be made whereupon the accustomed rents be or shall be reserved &c. And that the said manor &c. now at the making of the said assurance, shall be of the cleer yearly value of &c. over and above all charges and reprises, and so shall and may continue and be during the life naturall of the said I. without fraud or coven. And the said W. H. for himselfe &c. covenanteth &c. As in Covenants, that all other conveyances shall be to the uses aboveseid: Provided alwaies, and upon Condition following, it is fully concluded and agreed, by and between all the said parties to these presents, That if the said I. surviving the said W. H. her husband, within two moneths after the decease of the said W. H. doe not by her sufficient deed or deeds, release and surrender to his heirs or assignes and to her heires for ever, all her estate, right, title, interest, and demand, of, in, and to all lands, tenements, and hereditaments with the appurtenances, which he the said W. H. during the coverture between him & the said I. was seised of such estate, as she the said I. might thereof lawfully be endowed, other then the said manors, lands, tenements, and hereditaments, above in these presents mentioned, to be assured unto her for her said joynture: That then immediately from and after the end and expiration of the said two moneths, next after the death of the said W. H. no such release, as is aforesaid, being so made, the said feoffees and the survivor of them and his Heires, shall be seised to the onely use of the right heires of the said W. H. and of their heires for ever: any thing in these presents contained to the contrary thereof in any wise notwithstanding. In witnesse &c.

Covenants of marriage, and to levie a fine, and suffer a recovery.

THis Indenture tripartite &c. Between G. S. and C. T. on the first partie, and C. D. and I. D. on the second partie, And F. W. & F. R. Sect. 88.

T. B. and N. R. on the third party Witnesseth, that it is covenanted, concluded, and agreed, by and between the said G. S. and the said C. D. in manner and forme following: that is to say, the said G. S. on his party doth covenant &c. that the said E. T. shall marry &c. And in like manner the said C. D. &c. that the said I. D. shall marry &c. In consideration of which said marriage, the said G. S. doth covenant &c. that he the said G. S. and the said E. T. upon reasonable request to them to be made by the said C. D. and at the costs and charges in the Law of the said C. D. shal and will before the feast of &c. levie one fine, or severall fines &c. And it is fully concluded, covenanted &c. that the said T. B. and N. R. shal from and immediately after the levying and ingrossing of the said fine or severall fines, or either of them, stand and be seised of the said mannors and premisses, and of every part and parcell thereof: and that the same fine or severall fines shall be to the use of the said T. C. and N. R. and the heires of the said T. B. to the onely intent and purpose that the said T. B. and N. R. shall stand & be adjudged perfect tenants of the freehold of the said mannors and premisses, and of every part thereof, untill a perfect recovery may be lawfully had and executed of the mannors and premisses, against the said T. B. and N. R.

And the said G. S. doth covenant &c. that the said F. W. & the said F. R. or any other person or persons, which the said C. D. shall nominate and appoint, shall and may at the costs and charges in the law of the said C. D. his executors or assignes, commence and prosecute one Writ or severall Writs of Entre sur disseisin in le post, after the manner and course of common recoveries, against the said T. B. & N. R. whereby they should demaund against the said T. and N. the said Mannors, Lands, and premisses, and every part and parcell thereof by any name or names whatsoever, unto which said writ or severall writs, the said T. B. and N. R. shall appear in proper person, or by their Atturney or Atturneyes, lawfully and sufficiently authorized. And shall vouch to warranty the said G. S. and E. T. and that the said G. S. and E. shall appear upon the same voucher in proper person, or by their atturney or atturneyes lawfully authorised, and shall vouch to warranty the common vouchee. And that the cõmon vouchee shal appeare & imparle, and afterwards make default, whereby a perfect judgment may be had & gaĩ for the demaundants, in the same writ or writs against the said T. B. and N. R. for the recovery of the said mannors and premisses. And likewise for the said T. B. and N. R. to recover in value against the said G. S. & E. T. after the manner and course of common recoveries in such case used, & it is fully concluded &c. to these Indentures for them, and their severall heires, and every of the said parties doth severally covenant & conclude, to & with the others, and their

their ſeverall heires, that the ſaid recoverees and their heires, ſhall from & immediately after the knowledging & perfecting of the ſaid recovery or recoveries, ſtand and be ſeiſed of the ſaid manors, reuories, & premiſſes, and of every part and parcell thereof, and that the ſame recovery or recoveries, judgment or judgments, recovery or recoveries in value, and every thing and matter thereupon proceeding, ſhal then and from thenceforth be deemed, had, and taken, and turne to the uſe and behooſe of the ſaid G. S. and his aſſignes, for, and during all the terme and ſpace of 80. yeares, if the ſaid G. S. ſhall ſo long live.

And after the death of the ſaid G. S. to the uſe of E. T. and of the heirs which he ſhal beget of the body of the ſaid I. D. And for default of ſuch iſſue, to the uſe of the right heirs of the ſaid E. T. for ever. Provided alwais that the ſaid G. S. and E. T. or either of them ſhal not be cõpelled to travell from the place where they or either of them ſhal remain or dwel at the time of ſuch requeſt or requeſts to be made for the levying, knowledging, or executing of the ſaid fine or fines, warrant or warranties of atturney, recovery or recoveries, of any of them, or for doing & performing of any act or thing thereupõ depẽding. And the ſaid G. S. doth alſo covenant &c. that whereas the ſaid B. S. hath heretofore by his great & general conveyance being made for the ſtaying & intailing of the moſt part of his inheritance aſſured unto the ſaid E. T. and to the heires males of his body iſſuing, al thoſe &c. that the ſaid lands &c. heretofore aſſured unto the ſaid E. T. and to the heires males of his body iſſuing, & the ſaid lands &c. covenanted by theſe preſents to be conveyed as is aforeſaid, together with all ſuch other Manors, Lands, &c. as the ſaid G. S. ſhall and will in his life time aſſure and convey unto the ſaid E. T. of an eſtate of inheritance, are now or at the time of the ſaid fine or fines, and aſſurance or aſſurances, to be knowledged & made, ſhall be then of the cleere yearly value of j. M. pounds over and above all charges and repriſes. And that he the ſaid G. S. hath not heretofore done, nor hereafter ſhall doe any act or thing, whereby the ſaid manors, lands tenements, and premiſſes, ſhall not, nor may not after the death of the ſaid G. S. and ſolemnization of the ſaid marriage, remaine and continue, to ſuch uſes, intents, and purpoſes, as in this Indenture are mentioned and expreſſed, according to the true meaning hereof. And the ſaid G. S. for the conſideration aforeſaid, doth further covenant &c. that if a good and perfect aſſurance and conveyance of the ſaid mannors &c. and premiſſes before mentioned to be aſſured by the ſaid G. S. and E. T. be not made, and ſufficiently perfected before the feaſt of &c. to be aſſured by this Indenture, ſhall not be conveyed and made ſure, to ſuch uſes, intents, and purpoſes, as in this Indenture are mentioned and expreſſed, according to the true

meaning

meaning hereof, that then and from thenceforth the said G. S. and E. T. and their severall heires, and all and every other person and persons, and his and their heires that now be, and before the said feast of &c. shall stand or be seised of the said &c. or of any part thereof, by, from, or under the said G. S. shall from and immediately after the said feast of &c. stand and be seised of the said &c. premisses before mentioned, to be assured by the said G. S. and E. T. and of every part and parcell thereof, to the uses, intents, and purposes, and upon condition and conditions in this Indenture mentioned and expressed, and to none other use, intent, or purpose. And furthermore the said G. S. doth covenant &c. that he the said G. S. and E. T. and the heires of the said G. S. shall and will &c. (As in Covenants of further assurance) unto the said F. W. and F. R. and T. B. and N. R. and to any of them, or their heires, or to the survivor or survivors of them or their heires, or any other person or persons that the said C. D. shall thereunto nominate or appoint, and his and their heires, to the uses, intents, and purposes in this Indenture mentioned and expressed, and according to the true effect and meaning of these presents: so that &c. And it is further agreed, by, and betweene the said parties to this Indenture, for them and their heires, and every of the said parties doth severally covenant and conclude, to, and with the other, and their severall heires, that all and every fine and fines, recovery and recoveries, conveyance and assurance, hereafter to be made and executed of the said &c. before mentioned to be assured by the said G. S. and E. T. or of any part or parcell thereof by the said G. S. and E. T. or by the said T. B. and N. R. or by any of them, or by any other person or persons, by the appointment and nomination of the said C. D. his heires &c. after the solemnization of the said marriage shall be. And the said recoverers, and their heires shall from and immediately after the execution and perfecting of the said recovery or recoveries of any other estate or estates, or conveyances thereof, from and after the solemnization of the said marriage, stand, and be seised of the said manor and premisses, and of every part and parcell thereof, to the onely uses, intents, and purposes in this Indenture mentioned & expressed, & to, & for none other use, intent, or purpose. And the said C. D. in consideration of the said marriage doth on his part covenant &c. that the said C. D. upon reasonable request, to him to be made by the said G. S. and E. T. or either of them, at the costs & charges in the law of the said G. S. and E. T. or of the one of them, shall & will before the feast of &c. levie a fine in due forme of law to the said T. B. and N. R. of all those &c. As in covenants to levie fines, And it is fully covenanted &c. as in covenants limiting the uses of fines. And that the last recited fine shall be and inure to the use of the said T. B. and N. R. and of the heires of the

said

ſaid T. B. and N. R. to the onely intent and purpoſe, that the ſaid T. B. and N. R. ſhall ſtand and be adiudged perfect tenants of the freehold of the ſaid &c. and premiſſes before mentioned, to be aſſured, or conveyed by the ſaid C. D. and every part and parcell thereof, untill a perfect recoverie be lawfully had and proſecuted of the ſaid laſt recited manors and premiſſes, againſt the ſaid T. B. and N. R. according to the courſe of the Common Law. And the ſaid C. D. doth further covenant &c. as in covenants for the knowledging of a Recoverie, ut ſupra. And it is fully concluded and agreed, by, and betweene &c. as before in the Covenant limiting the uſes upon the recoverie &c. ſhall then and from thenceforth bee deemed, had, and taken, and inure, to the uſe and behooſe of the ſaid C. D. and his aſſignes, for, and during the terme and ſpace of foureſcore yeares then next enſuing, if he the ſaid C. D. ſhall ſo long live, And after the death of the ſaid C. D. and after the ſolemnization of the ſaid mariage, to theſe of the ſaid E. T. and of the ſaid I. D. and of the heires of their two bodies lawfully begotten. And for default of ſuch iſſue to the uſe of the ſaid I. and of her heires for ever. Provided alwaies, and upon condition following, that the ſaid C. D. ſhall not be compelled to travaile from the place &c. And the ſaid C. D. doth further covenant &c. as in covenants for being ſeiſed, and quiet enioying, diſcharged &c. Provided alwaies, and it is ſo concluded and agreed, by and betweene the ſaid parties to this Indenture, for them and their heires, that it ſhall and may bee lawfull to and for K. D. for the terme of her life, in conſideration of her dower, and in the name of her iointure, to have and enioy all thoſe lands, and tenements, in P. &c. And that alſo it may be lawfull for him the ſaid C. D. to convey and aſſure to the uſe of the ſaid K. competent and ſufficient lodgings within the &c. for her ſelf and her family, for terme of the life of the ſaid K. any thing in this Indenture to the contrarie notwithſtanding.

Provided alſo, and it is &c. that it ſhall and may be lawfull to the ſaid C. D. to convey and aſſure all his ſaid lands and hereditaments in N. M. and L. to K. D. the yonger daughter of the ſaid C. D. for, and during the life of the ſaid K. or otherwiſe to grant any rent or annuall paiment, with clauſe of diſtreſſe in the ſaid lands &c. in N. M. and L. to the ſaid K. his daughter, for, and during her life: any thing before to the contrary notwithſtanding: And the ſaid C. D. doth further covenant &c. that if a good and perfect aſſurance and conveyance of the ſaid &c. manors, Lordſhips, lands, tenements and premiſſes before mentioned, to be aſſured by the ſaid C. D. be not made and ſufficiently perfected before the feaſt of &c. whereby the ſaid &c. laſt mentioned ſhal not be conveyed and made ſure to ſuch uſes, intents, and purpoſes, as in this Indenture are mentioned and expreſſed, according to the true meaning hereof: that then, and from

thence

thenceforth the said C. D. his heires, and al and every person and persons, and his and their heires which now be, or before the said feast of &c. shall stand or be seised of the same manors &c. or in any part thereof, by, from, or under the said C. D. shall from and immediately after the said feast of &c. stand and be seised of the said manors &c. before mentioned, to be assured by the said C. D. and of every part thereof, to the uses, intents, and purposes, and upon condition and conditions in this indenture mentioned and expressed, and to none other use, intent, and purpose. And furthermore the said C D. covenanteth &c. As in covenants for further assurance &c. that he the said C. D. and his heires &c. And it is fully agreed, by, and betweene the said parties to this &c. limiting the said fine and recoverie to the uses of this indenture &c. And the said G. S. in consideration of the said mariage doth covenant &c. that the said G. S. or his assignes shall well and truly content and pay, or cause to be contented and payed unto the said E. T. or his assignes, the annuall and yearely summe of 400. li. of lawfull English money, at the feast of &c. by even portions yearely, for, and during the lives of the said G. S. and E. T. together for the yearely maintenance of the said E. and I. from the day of their marriage, untill the death of the said G. S. And the said G. S. doth covenant &c. that if the said annuall or yearely summe of 400. li. be not well and truly paied and answered unto the said E. T. his heires and assignes at the said feasts &c. or within tenne dayes next after any of the said feasts at any time during the lives of the said G. S. and E. T. and during the said marriage: That then, and from thenceforth, the said recoverees and their heires shall stand and be seised of the said manor of S. and of all other the premisses before mentioned, to bee assured by the said G. S. and E. T. and of every part or parcell thereof. And the said recoverie and recoveries shall be also deemed and taken to this intent and purpose: that is to say, that it shall and may be lawfull, for, and to the said E. T. and his assignes, into the said manno of S. and all other the premisses before mentioned, to be assured by the said G. S. and E. T. and every part thereof, to enter and distraine &c. As in clauses of distresse &. from time to time during the life of the said G. S. and E. T. And the said G. S. doth further covenant &c. that if it shall fortune the said E. T. to die before the said I. D. and after the said solemnization of the said mariage, that then and from thenceforth the said I. shall have yearely paied unto her or her assignes at the church of S. the annuall rent of CC. li. of lawfull English money, for and during the life of the said I. D. at the feasts of &c. by even portions: the first payment thereof to begin at either of the said feasts, which shall next ensue the day of the death of the said E. S. Provided alwaies, and upon condition, and it is concluded and agreed, by, and betweene every of the said

parties

parties to this Indenture by theſe preſents, for them and their heires, that if the ſaid annuall or yearely rent of CC. pounds &c. limiting a diſtreſſe, and the uſe of the premiſſes, ut ſupra. And for want of ſufficient diſtreſſe, then to take and receive the rents and profits of the ſaid late manors &c. of S. aforeſaid, as ſhall ſuffice and anſwer to pay the ſaid yearely rent of CC. pounds, and the arrerages thereof to the ſaid I. yearely during her naturall life. And the ſaid C. D. on his part further covenanteth &c. that the ſaid C. D. his executors or adminiſtrators, ſhall find or provide at his or their proper coſts and charges in the houſe of the ſaid C. D. for the ſaid E. T. and I. D. and for eight ſervants to attend upon them, ſufficient meate, drinke, and lodging, during the ſpace of three yeares next enſuing the ſaid marriage, with ſufficient horſe meat during the ſaid terme. And where the ſaid G. S. in further conſideration of the ſaid marriage, hath well and truly contended and paied unto the ſaid C. D. the ſumme of &c. Now the ſaid C. D. doth covenant &c. that if it fortune the ſaid I. to die without iſſue of her bodie lawfully begotten by the ſaid E. T. that then he the ſaid C. D. his &c. ſhall within three yeares next after the death of the ſaid I. ſo dying without iſſue of her body, well and truly repay unto the ſaid G. S. his &c. the ſumme of &c. at or in the &c. And the ſaid C. D. doth covenant &c. that if the ſaid C. D. his &c. or ſome of them, doe not repay the ſaid ſumme of &c. at the place aforeſaid, unto the ſaid G. S. his executors or aſſignes, within the ſaid terme of three yeers next after the death of the ſaid I, dying without iſſue of her body lawfully begotten by the ſaid E. T. according to the true meaning of this Indenture, that then and from thenceforth the ſaid recoverers and their heires, ſhall ſtand and bee ſeiſed of the ſaid manors, and other the premiſſes before mentioned, to be aſſured by the ſaid C. D. and of every part and parcell thereof, to this intent and purpoſe following: that is to ſay, that it ſhall and may be lawfull, for, and to the ſaid G. S. his &c. to enter into the ſaid manors &c. before mentioned, to be aſſured by the ſaid C. D. and into any or every part thereof, and to take and receive the rents, iſſues, revenues and profits thereof, comming and ariſing to the proper uſe of the ſaid G. S. his executors, adminiſtrators, or aſſignes, untill he or they be fully ſatisfied and payed, the ſumme of &c. of the ſame rents and profits of the ſame lands and premiſſes laſt mentioned.

And laſtly the ſaid G. S. on his part doth covenant &c. that he the ſaid G. S. or his aſſignes, ſhall within one yeare next after the ſolemnization of the ſaid marriage, provide and ſet forth ſuch a convenient houſe at T. &c. for the ſaid E. T. and I. D. with their Children and familie to dwell in, during the life of the ſaid G. S. as he the ſaid G. S. ſhall think to bee meete and convenient for their eſtate and degree.

In

In witneſſe whereof to the firſt part of this Indenture tripartite, remaining with the ſaid G.S. and E.T. the ſaid C.D. and I.D. F.W. R.F. T.B. and N.R. have put their hands and ſeales, And to the ſecond part thereof remaining with the ſaid C.D. and I.D. the ſaid G.S. and E.T. have put to their hands and ſeales, and to the third part of the ſame Indenture remaining with the ſaid F.W. F.R. T.B. and N.R. the ſaid G.S and E.T. C.D. and I.D. haue put to their hands and ſeales the day and yeare firſt above written.

Covenants to pay conditionally.

Sect. 89. PRovided alwaies, and it is fully concluded, condeſcended, and agreed by, and betweene the ſaid parties to this Indenture, for them and their heires, That if it ſhall fortune R.P. the younger to die without iſſue male of his bodie lawfully begotten, and to haue iſſue but one daughter living at the time of his death, that then the next iſſue male in remainder, that ſhall or ought to inherit the ſaid manors, land and premiſſes, ſhall well and truly pay, or cauſe to be paid to that one daughter the ſumme of &c. at ſuch time as the ſaid daughter ſhall accompliſh the age of &c. or be maried. And if it ſhall happen the ſaid R.P. to die without iſſue male of his bodie lawfully begotten, or to haue iſſue no daughter but one liuing at the time of his death, That then ſuch next iſſue male in remainder, that ſhall or ought to inherit the ſaid manors, lands, and premiſſes, ſhall well and truly pay, or cauſe to be paied, to be equally diuided amongſt ſuch daughters, the ſumme of &c. of &c. at ſuch time or times as the ſame daughters of the ſaid R.P. ſhall accompliſh the ſeuerall ages of &c. to be maried. And it is further agreed &c. and the ſaid H.P. doth couenant &c. that the ſaid T.S. and his ſaid cofeoffees and their heires, from and after the death of the ſaid H.P. and after the death of the ſaid R.P. the younger, dying without iſſue males of his body lawfully begotten, ſhall ſtand and be ſeiſed of all and ſingular the ſaid manors and premiſes, (the ſaid lands and grounds appointed for the Iointure of the ſaid F.P. excepted.) And after the death of the ſaid F. and her ioynture lands excepted to the intent that if a daughter of the ſaid R.P. the younger, be not well and truly ſatisfied and paied the ſumme of &c. And if there be no more daughters but one, then the ſaid ſumme of &c. at ſuch time and times, as ſuch daughter or daughters ſhall accompliſh the ſeuerall ages of &c. to be maried, that then and from thenceforth it ſhall be lawfull for ſuch daughter or daughters to enter into all the lands and premiſſes, other then the ſaid lands &c. appointed for the ſointure of the ſaid F.P. and to receiue and take the rents, iſſues, and profits thereof, to her or their owne uſe, untill ſuch time as

as ſuch daughter of the ſaid R. P. be fully ſatisfied and paied the ſaid ſum of &c. And if there be more daughters then one, then until the ſaid daughters have ſo had and received the ſaid ſumme of &c. of the rents, iſſues and profits of the ſaid manors, lands, and premiſes.

Covenants to leade the uſe of a Fine, and to levie the ſame.

THis Indenture ſerpartite made &c. Betweene R. B. &c. on the firſt party, And I. W. and T. W. his ſonne and heire apparant on the ſecond party, And T. L. of &c. on the third party, And F. W. on the fourth party, And T. S. of &c. on the fift party, And T. W. of &c. on the ſixth party, Witneſſeth, that for divers ſufficient conſiderations it is mutually couenanted, concluded, and agreed, by and betweene al the ſaid parties that the ſaid R. B. I. W. T. W. T. L. W. F. and T. S. at their indifferent coſts and charges, before the 22. day of November next inſuing the date here of, ſhall knowledge, and levie a fine with Proclamations according to the Statute in that behalfe provided after the common courſe of Fines in ſuch caſes uſed, unto the ſaid T. W. of all ſuch coales and coale-mines in the common towne-field of G. aforeſaid, as ſomtimes were one I. G. of S. in the ſaid Countie Eſq. deceaſed, Of all meſuages, lands, tenements, medowes, paſtures, woods, underwoods, commons, rents, reverſions, and hereditaments, with the appurtenances of the ſaid T. L. ſituate, lying, and being in G. and now in the tenure or occupation of R. A. or of his aſſignes, And of all meſuages, cottages, lands, tenements, medowes, paſtures, woods, underwoods, commons, rents, reuerſions, and hereditaments with the appurtenances, ſituate, lying, and being in G. aforeſaid, in the tenure or occupation of N. C or of his aſſignes, which the ſaid T. S. lately purchaſed of the ſaid R. B. And of all thoſe cloſes, lands, tenements, medowes, paſtures, and hereditaments with the appurtenances called Copleys, containing by eſtimation 30. acres of ground, ſcituate, lying, and being in B. in the ſaid County of P. now in the tenure and occupation of the ſaid W. F. or his aſſignes, and which the ſaid W. F. lately purchaſed of the ſaid R. B. And of all thoſe cloſes, lands, tenements, medowes, paſtures, and hereditaments with the appurtenances of the ſaid T. L. called &c. containing &c. ſcituate &c., which the ſaid T. I. and the ſaid W. F. new have of the grant and demiſe of the ſaid T. L. And alſo it is fully couenanted, concluded, and agreed, by and betweene all the ſaid parties to thoſe preſents, that the ſaid fine ſo to be levied, ſhall be and inure. And the ſaid B. W. the conuſee in the ſaid fine to be named, and his heires at the very time of levying and knowledging of the ſame Sect. 90.

fine,

fine, and ever afterwards shall stand and be seised by vertue and force of the said fine, of, and in all the said messuages &c. with the appurtenances to the severall uses, purposes, and intents hereafter in these presents contained, expressed, limited, appointed, and declared, and to or for none other use, intent, or purpose, that is to say, of, and in all, and all manner of coales and coales mines to be found, in, or upon the arable land, parcell of the premises lying in the common town-fields of G. aforesaid, with free and absolute power, interest, and libertie, to search, dig, load, and carrie away the said coales, at all and every reasonable time and times hereafter, not spoiling or destroying any corne which hereafter shall happen to be, or grow, in, or upon the said arable land, or in or upon any part thereof, to the onely proper use & behoofe of the said R. B. his heires and assignes for ever. And of, and in all the said messuages &c. of the said T. L. scituate, lying and being in G. aforesaid, in the tenure or occupation as is aforesaid, of the said R. A. or his assignes: And of and in all the said, closes, lands, tenements, medowes, pastures, and hereditaments of the said T. L. called &c. containing &c. scituate &c. which the said W. F. and T. J. now have, as is aforesaid, of the demise of the said T. L. (such libertie, title and interest in the premisses in G. aforesaid as before in these presents is limited, to the use of the said R. B. his heires and assignes only excepted) to the only proper use and behoofe of the said T. L. and of the heires of his body lawfully begotten, and to be begotten: And for default of such issue, to the only proper use and behoofe of the right heirs of the said T. L. for ever. And of, and in all the said messuages, &c. with the appurtenances scituate &c. in the tenure or occupation of N. C. or of his assignes, which the said T. S. (as abovesaid) purchased of the said R. B. such libertie, title, and interest therein, as before in these presents is limited to the use of the said R. B. his heires and assignes only excepted, to the only proper use and behoofe of the said T. S. his heires and assignes for ever. And of and in all the said closes, lands, &c. with the appurtenances, called &c. containing &c. scituate &c. now in the tenure and occupation of the said W. F. or of his assignes, and which the said W. F. (as abovesaid) purchased of the said R. B. to the onely proper use and behoofe of the said W. F. his heires &c. for ever, and to, or for none other use, intent, &c. And that the said fine and fines, and all other conveyances and assurances before remembred, shall onely extend to the premisses before expressed and remembred in these present Indentures, and to none other lands, tenements, or hereditaments of the said G. A. in the townes aforesaid. In witnesse whereof to the first part &c.

Covenants to levie a Fine, and make other convaiances to the intent to continue the lands in his ſurname.

THis Indenture made &c. Betweene D. M. of W. of the one partie, and R. W. R. M. and H. M. on the other party, Witneſſeth that as well for the revibing and continuance of an ancient intaile to the heires males of the ſaid D, and his anceſtors, of, and in all thoſe manors, &c. whereof the ſaid W. M. father of the ſaid D. dyed ſeiſed, lying and being in the County of D. as alſo for, and in conſideration of the continuance of the ſame premiſſes in the Surname of the ſaid M. and for the better continuance of the ſame houſe of M. in his name and blood, and for diders other good cauſes and conſiderations him the ſaid D. ſpecially moving, he the ſaid D. M. doth by theſe preſents covenant with the ſaid R. R. and H. and every of them, in this preſent Terme of Saint Michael, and in the firſt yeare of the Reign &c. that he the ſaid D. ſhal acknowledg by fine, in due forme of Law to be levied before the Queenes Majeſties Juſtices of the common Pleas at Weſtminſter, of all and every the manors &c. of the ſame D. in the ſaid county of D. by the name of the manor of &c. with the appurtenances, in, and whereby &c. And alſo that he the ſaid D. ſhall and will on this ſide the feaſt of &c. nert comming after the date hereof, by his ſufficient deed in law, infeoffe the ſaid R. R. and H. of and in all thoſe his manors &c. lying and being &c. To have and to hold, all the ſame lands, tenements, and hereditaments compriſed in the ſaid deed of feoffement to the ſaid R. R. and H and to their heirs, to the only uſe and behoofe of ſuch perſons and their heires, and in ſuch manner and forme, as in theſe preſents ſhall be hereafter recited and expreſſed, which ſaid aſſurance and conveyances of the premiſſes ſo had and made, and in due forme of law executed, ſhall be to the ſeverall uſes hereafter in theſe preſents mentioned. And alſo it is covenanted, concluded and agreed, by and between the ſaid parties to theſe preſents for themſelves, And the ſaid R. R. and H. doe covenant &c, That the ſaid aſſurance and conveyances of the ſaid premiſſes ſhall be &c. And alſo that the ſaid R. R. and H. and their heires, from and after the ſame fine knowledged, and after the ſame feoffement executed, ſhall ſtand and be ſeiſed, of, and in all thoſe ſaid manors &c. ſeverally contained, ſpecified, and mentioned in the fine and feoffement, to the uſes, intents, effect, and meaning hereafter in and by theſe preſents mentioned and expreſſed, and to none other uſe effect, meaning or purpoſe: that is to ſay, To the uſe of the ſaid D. M. one of the parties to this Indenture for terme of fortie yeares if he ſo long do live, without impeachment of waſt. And after his death, to the uſe of the heires

Sect 91.

H males

males of his body lawfully begotten. And for default of such issue, to the use of G. M. brother of the said D. for the terme of &c. (if he so long doe live) And after his death, to the use of his heires males of his body lawfully begotten. And for default such issue male of the body of the said G. M. lawfully begotten, that he the said R. R. and H. and their heires shall stand and be seised of, and in all the premisses mentioned and contained in the said fine and deed of feoffement, to the use of H. M. and of the heirs males of his body lawfully begotten. And for default &c. except &c. Provided alwaies, and it is nevertheless condescended and lawfully agreed &c. for them and their heires, and the heires of every of them, that if the said G. M. after the death of the said D. without heire male of his body &c. make or cause to be made to any the wife of the said D. one estate for terme of life of such wife for her joynture of, or in any part or parcell of the premisses, mounting to the yearly value of 20. li. and not above and not being the manors and demesnesse of &c. nor parcell thereof. Or if the said G. after the death of the said D. without issue male of his body, doe make or declare a Will or Testament in writing, of lands, and tenements parcell of the premisses, or of a yearly profit to be received or taken out of the same to the yearly value of 20. li. and not above, over and above all charges and reprises, untill such time as each and every of the said daughters of the said G. overliving the said D. the same D. dying without issue male, as is aforesaid, shall be satisfied of one hundred marks, for and towards their marriages, as by the same Testament shall be limited and appointed: that then as now, and now as then, the said R. R. and H. and their heires and the heires of the survivor of them shall stand & be seised of such the premisses to the said severall uses, and to shall be meant, limited, assigned, or appointed, & to none other use, intent or purpose, for what time or times so limited, assigned, meant, or appointed. Provided furthermore, and it is further agreed between the said parties, that if any of the said persons, other then the said D. to whom this reversion before mentioned, shall chance to come to remaine, do refuse to be bound to I. T. and I. D. or to either of them, or their heires, in the summe of CC. li. of lawfull &c. by recognisance or by statute, with condition thereunto endorsed, That if he or any of them or their heires doe not alien in any wise the premisses, or any part or parcell thereof, contrary to the true intent and meaning of this present Indenture, but suffer the same, and every part and parcell thereof to descend, come and remaine according to the true meaning of this Indenture, that then the same recognisance & statute to be void and of none effect, that then as now, and now as then, upon such refusall, the said R. R. and H. their heires, & his heires, and every of them, shall alwaies from thenceforth stand and be

seised

seised of all and singular the premisses, after the death of such as before is spoken of without issue male, to the only use of him that is next in the next remainder unto him that shall or doth make such refusall, and of the said bodies of his body lawfully begotten, with like remainders over, and with like conditions and provisoes to him and every of them, other then the party so refusing, according as is before expressed: any thing in this present Indenture to the contrary in any wise notwithstanding. Provided furthermore, and it is so agreed &c. that if the said O. N. partie to these presents, G. N. or any other the persons before rehearsed, to whom the remainder or remainders of the premisses before in these presents limited in tale, or any of the heires males, or heires of the body or bodies of any of the persons before limited and lawfully begotten, being inheritable to any estate in possession or reversion in the premisses, by force of these presents, shall doe, at any time or times hereafter, practise, purpose, or go about by fine or fines, feoffement with warrantie, or any other act in deed, or in Law, to lose, alter, change, discontinue, or bar any of the said estates in the premisses, or in any part or parcell thereof, to permit or suffer any recovery to be had against them, or any of them as tenants in deed or in law of the premisses, or of any part or parcell thereof. Or by voucher in any action or suit, whereby any of the estates before limited, shall or may be in any wise lost, recked, altered, changed, or barred, and not have their full continuance, according to the limitation, intent, and true meaning before expressed, as well to them and every of them, and to the heires males, or heires of their bodies, as to all other before expressed in remainder, and to their heires males, or the heires of their bodies lawfully begotten, according as is before expressed, otherwise or in any other form then is before in these presents expressed and provided: That then as well the person or persons, his and their heires so purposing, practising, or going about any of the said devices, or procuring, or suffering the same or consenting thereunto, as also all other persons and their heires then seised, of, and in the premisses, and every parcell thereof, shall thereupon stand, remaine, and be seised, of, and in al & singular the same manors, lands, tenements, and hereditaments, to be lost, recovered, knowledged, altered, discontinued, charged, or barred, to the only use & behoofe of the next person, being by these presents & meaning hereof inheritable to the premisses, by force of this present gift, by descent or reversion after the decease of the same person or persons, which so shall purpose, practise, or goe about, as before mentioned, and of the heires males of the same next person lawfully begotten, in such sort and forme as is before expressed.

Vide Cok. 2. fol. 84, 6, fol. 40.

And that this present condition, as touching alienation, or other the practises and devises aforesaid, shall stand, remaine, and be in like force

also against the same person or persons, which so shall have or take the benefit of the same condition, and against the heires males, and heires of his body lawfully begotten. And so from heire to heire, & from reversion to reversiõ, & their heires, so long as the present gift shall or may have any continuance. And the said D. N. for him, his heires, and administrators and the said R. R. and H. and their heires, do covenant and grant, to and with either and every of them, their heires, and assignes, that all and singular acts and things, assurances and conveyances hereof to be done or suffered whatsoever of the premisses, or any part or parcell thereof. And all and every other person or persons now seised, or hereafter to be seised of any estate or estates of inheritance whatsoever, shall stand and be adjudged to be seised to the only use, intent, & true meaning of this present Indenture, and to none other use, intent, and purpose, In witnesse.

Covenants limiting the use of a single fine, levyed by the husband and wife.

Sect. 92. THis Indenture &c. witnesseth &c. Whereas the said T. H. and B. stand seised in their demesne as of fee, in the right of the said B. in all that the manor of L. &c. and in three messuages &c. in the countie of S. and the said W. T. and B. so being thereof seised, the said B. for good causes minding to advance with her said Lands, her husband, & the issue of his bodie, for want of issue of her owne body lawfully issuing: Now it is therefore covenanted &c. betweene the said parties to this Indenture, and every of them. And first the said W. E. and B. for themselves, and every of them, and for the executors and administrators of them, and either of them, doe covenant, promise, and grant, to and with the said T. R. and I. F. and either of them, and to, and with their heires, executors, and administrators of them and either of them by these presents, that the said W. T. & B. his wife, on this side and before the feast of &c. at his or their own proper costs and charges in the law, shall permit and suffer the said R. T. and I. F. in their own names, to pursue two severall originall writs of Covenant against the said W. T. and B. his wife, severally to be directed to the Sheriffes of N. and L. and by the same severall writs it shall be demanded, that the said W. T. and B. shall hold covenant with the said T. R. and I. F. betweene them made, of all and singular the Manors &c. by the name of &c. or by any other name or names whatsoever.

And of all and singular the lands &c. of the said W. T. and B. or of either of them in the said County of L. by the Name of &c.

or

or by any other name or names whatſoever, the ſame writs to be returnable, or returned before the Queenes Majeſties Juſtices of her Common Pleas at Weſtminſter, according to the courſe of the Common Laws, in ſuch caſes uſed, and thereupon the ſaid W. T. and B. ſhall knowledg by ſeverall records and fines, the ſaid manors &c. to be the right of the ſaid T. &c. And further it is covenanted &c. that the ſame two ſeverall fines ſo to be levied ingroſſed, and executed in due forme of law ſhall be and inure &c. And that the ſame T. R. and I. F. and their heirs, from and after the ingroſſing of the ſame fines, ſhall be ſeiſed of all the ſaid manors &c. in the ſaid two ſeveral fines ſo to be mentioned, and of, and in every parcel thereof to ſuch uſes and intents, as hereafter in theſe preſents are ſpecifyed and declared, and to none other uſe, intent, or purpoſe: that is to ſay, to the uſe of the ſaid W. T. and B, &c.

A Covenant that upon agreements to ſell an eſtate, ſhall ceaſe.

PRovided alſo, that if after ſuch repayment of the ſaid ſumme of &c. to be made to the ſaid F. R. or unto his executors or aſſignes, at the time and place before expreſſed, it ſhall fortune the ſaid D. his executors or aſſignes to make any volantary promiſe, concluſion, or agreement, for, or concerning the ſelling, granting or alienation of the ſaid moity of the ſaid Rectorie and premiſſes, or of any part or parcell thereof, or of any profits or commodities belonging to the ſaid parſonage either touching the whole eſtate therein, or touching any part thereof, that then preſently upon ſuch promiſe, concluſion, or agreement, the eſtate and intereſt of the ſaid D. his executors and aſſignes, in, and to al the whole moity of the ſaid Rectorie ſhall have no further being, but ſhall be deemed, eſteemed, and adiudged in the ſaid F. his executors & adminiſtrators, as though no ſuch repayment of the ſaid money had bin made, & preſently upon ſuch promiſe, concluſion or agreement, it ſhall and may be lawfull to the ſaid F. R. his executors, adminiſtrators and aſſignes to enter into the ſaid moity of the ſaid Rectorie and premiſſes, and the ſame to have and injoy to his owne uſe, without any let or interruption of the ſaid D. or of any other claiming any thing therein, by, from, or under him. Sect. 93.

Covenants to levy a fine upon grant and render.

THis Indenture made &c. Between G. T. and A. his wife, and D. B. and I. his wife of the one party, and G. E. of the other party, Witneſſeth, that it is condeſcended & agreed betwixt the ſaid parties, that the ſaid G. T. and A. his wife, D. B. and I. his wife, before the end of Tri- Sect. 94.

nitie terme next ensuing the date hereof, shall levie a fine &c. And for the knowledge, release, quit-claim, fine, warrant and concord, the said G.E. shall by the said fine grant to the said T. and A. his wife, the said tenements with the appurtenances, & the same by the said fine shall also render in the same Court to the said G. T. and A. his wife. To have and to hold, to the same G. T. for terme of &c. And after the same terme ended, the said tenements shall remaine to the said D. B. and J. his wife, and to the heires of the same D. for ever: Which fine so to be levied, as is aforesaid, and all and every other fine so to be levied by the said G. T. &c. to the said G. E. and his heires of the same lands in F. by the name or names aforesaid, or by any other name or names with render or without render, or otherwise, before the end of the said next terme, &c. next ensuing the date hereof, shall be to the onely use and behoofe hereafter expressed, and to none other use and behoofe: that is to say, to the use of the said G. T. and A. his wife, for and during the said terme of one moneth next ensuing the levying and ingrossing of the said fine. And after the end and term of the said moneth, then to the use of the said D. B. & J. his wife, & the heirs of the said D. B. for ever. In witnesse whereof &c.

Covenants to levie a fine.

Sect. 95. THis Indenture tripartite made &c. betweene E. S. and E. his wife on the first partie, and A. F. on the second part, and J. H. and T. H. on the third party, Witnesseth, that the said parties are condescended, concluded, and agreed in manner and forme following. And the said E. S. and E. for them and their heires doe covenant, &c. that the said E. S. and E. his wife, shall before the feast of &c. at the equall costs and charges in the law of the said E. S. and E. F. their heirs and assignes, levie a fine before the Queenes Majesties Justices of her common pleas at Westminster, of the mannor of C. and of &c. And that the fine so to be levied, shall be to the onely use and behoofe of the said J. and T. their heires and assigns for ever. And the said J. and T. and every of them, for them, their heirs and successors, doe covenant and grant to and with the said A. his heirs, executors, and assignes, and to and with the said E. his heirs, executors, and assignes, that they the said J. and T. shall before the first day of February next ensuing the date of these presents, demise, grant, & to farme let by their sufficient deed indented, in due forme of Law to be made to the said A. the said mannor with the appurtenances, except certaine parcels of the same, and reyaline profits and other things thereunto belonging, in such manner and forme, as is after in these present Indentures expressed and contained in these words following. that is to say. This

Indenture

Indenture made the tenth day of &c. betweene I. and T. of the one party, and A. F. on the other party, Witneſſeth, that the ſaid I. and T. as well for performance of the faithfull and ſpeciall truſt in them in that behalfe put by the ſaid E. S. and E. his wife, as in fulfilling part of the covenants and grants and agreements, and of the intent in certaine Indentures tripartite, ſpecifyed, had and made between the ſaid E. S. and E. his wife on the firſt party, and the ſaid A. F. of the ſecond party, and the ſaid I. M. and T. H. on the third party, whoſe dates are the firſt day of December in the firſt yeare of the raigne &c. Have demiſed, granted, and to farme letten, and by theſe preſents doe demiſe, grant, and to farme let unto the ſaid A. his executors & aſſignes, the manor of C. with the appurtenances in the countie of B. with all thoſe our lands, &c. Except, foreprized, and reſerved unto the ſaid I. T. and the heires and aſſignes of the ſaid I. all thoſe the Mills &c. To have and to hold the ſaid manor and other the premiſſes (except before excepted) unto the ſaid A. his executors and aſſignes from the feaſt &c. yeelding and paying &c. And the ſaid I. and T. for them and their covenant &c. That the ſaid I. and T. or the ſurvivor of them ſhall before the tenth day of the ſaid Moneth of December &c. by their deed ſufficient in the law or otherwiſe, as well infeoffee and aſſure the reſt, of the ſaid manor and other the premiſſes, as alſo ſhall grant or otherwiſe aſſure all ſuch or ſo much of the premiſſes, as alſo ſhall be ſo demiſed or letten unto the ſaid A. F. as is aforeſaid, with the rent reſerved upon the ſaid leaſe to the ſaid E. and E. to have and to hold the ſaid reverſion, commodities, and rents, and all the reſt of the Premiſſes with the Appurtenances, unto the ſaid E. and E. and to the heires of their two bodies lawfully begotten. And for default of ſuch iſſue to the right heires of the ſaid E. for ever. In witneſſe whereof &c.

Covenants to levie a fine to uſes.

THis Indenture made &c. betweene N. F. of the one party, and H. W. W. G. and R. F. of the other party, Witneſſeth, that where the ſaid H. W. for the advancement of I. now his wife, as of divers of the yongeſt ſonnes and daughters by him begotten of the body of the ſaid I. hath already aſſigned, and appointed to his ſaid wife and children, certaine poſſions of his meſuage, lands and tenements, parcell of his inheritance for ſuch eſtate and intereſt, and in like manner and forme, as hereafter in theſe preſent Indentures ſhall be particularly mentioned and expreſſed the ſame to be aſſured and conveyed to every of them, after due order and forme of Law, ſo that they may have and injoy the ſame quietly according to his mind and pleaſure, without let or diſturbance of him, or of his heirs

or assignes in time to come, which said assurance is thought by counsell learned expedient to be made by fine to be of the said lands levied: therefore the said N. F. for the sure making of the Conveyance aforesaid, covenanteth and granteth, for him, his heires and executors, to and with the said H. W. W. G. & R. F. their executors and assignes, by these presents, that he the said N. or his heires, on this side, and before the feast of Pentecost next ensuing after the date hereof, shall knowledg and levie to the said H. W. W. G. and R. F. and to the heires of the said H. one fine &c. And the said H. W. W. G. and R. F. for them, their heires and executors, covenant &c. that they the said H. W. W. G. and R. F. & their heirs immediately from and after the levying and ingrossing of the said fine, to be levyed of the premisses in forme aforesaid, shall stand and be seised of and in the said messuages in B. &c. except one close in A. called &c. to the use of the said N. and I. now his wife, for the terme of their lives, and of the longer liver of them, and after their decease to the use of I. F. son of the said N. and of the heires males of his body lawfully begotten. And for default of such issue to the use of R. F. one other of the sonnes of the said N. and of the heires males of his body lawfully begotten. And for default of such issue, to the use of W. F. one other of the sonnes of the said N. and of the &c. And for default of such issue, to the right heires of the said N. for ever. And also, that the said H. W. W. G. and R. F. and their heirs shall in like manner stand and be seised of all those messuages, lands, tenements, &c. in A. aforesaid, &c. to the use of the said I. F. one of the sonnes of the said N. and of the heires males of the body of the said I. F. lawfully begotten, and for default of such &c. And that the said H. W. W. G. and R. F. and their heires, shall in manner immediately after the levying and ingrossing of the same fine, stand and be seised of and in all the residue of the said messuage &c. to the use of the said R. F. &c. and for default, &c. And it is fully condescended and agreed betweene the said parties, that after the ingrossing of the same fine, the said N. F. and the said I. his wife, I. R. and W. sonnes of the said N. and C. and B. his daughters, and every of them, shall from and after the ingrossing of the said fine, peaceably have, hold, occupy and injoy the said messuages, lands &c. to them and every of them severally assigned, without any let, interruption, or impediment of the said H. W. and R. F. or any of them, or of any person or persons claiming by them, in their right, or by their procurement, according to the true intent, purpose, and declaration of the severall uses afore mentioned. In witnesse &c.

Covenants to levie a Fine to uſes, and that the Cogniſee ſhall grant the lands in Taile &c.

THis Indenture made &c. Between W. P. of the firſt party and H. P. of the ſecond party, and E. M. and T. B. of the third party, Witneſſeth, that it is condeſcended, concluded and agreed between the parties aforeſaid, in manner and forme following, that is to ſay: Firſt, the ſaid W. P. and H. P. for themſelves &c. do covenant &c. that they the ſaid W. and H. before the feaſt &c. by fine to be levied before our Soveraign Lady the Queenes Majeſties Juſtices of the Common pleas at Weſtminſter, ſhall knowledg the capitall or manſion houſe &c. by the name of &c. in B. and T. to the right of the ſaid E. P. &c. (expreſſing the Concord) Which fine ſo knowledged and ingroſſed of the premiſſes, ſhall be to the uſe of the ſaid E. P. and T. B. and of their heires onely, and to, or for none other uſe, intent, or purpoſe. And the ſaid E. and T. for them &c. that they the ſaid E. and T. and their heires and the heires of the ſurvivor of them, within one Moneth following, after the knowledging and ingroſſing of the ſaid fine, as is aforeſaid, by their deed indented, ſufficient in the law in due forme to be made, ſhall and will give and grant the ſaid meſſuage, and all and ſingular the premiſſes by the ſaid fine to them to be aſſigned, as is aforeſaid, to the ſaid W. P. and to the heirs males of his body lawfully begotten. To have and to hold, the ſaid capitall meſſuage, and all other the premiſſes with their appurtenances to the ſaid W. P. and to the heires males of his body lawfully begotten. Yeelding and paying therefore yeerly to the ſaid F. and T. or to the ſurvivor of them, their heires or aſſignes, twenty ſhillings of &c. at the feaſts of &c. by even portions to be payed: (with a ſufficient clauſe of diſtreſſe to be contained within the ſaid deed for the payment thereof, at the daies and times aforeſaid, with a proviſion therein to be contained,) That if it ſhall happen the ſaid W. P. or the heires males of his body lawfully begotten, to ſuffer any Recoverie againſt him or them of the ſaid capitall meſſuage, or other the premiſſes, or any the part or parcell thereof, or by any other ways or meanes, ſhall make any alienation or diſcontinuance of the ſame premiſſes, or any part or parcell thereof, and after ſhall happen to die without iſſue male of his body lawfully begotten: That then, that is to ſay, immediately after the deceaſe of the ſaid W. P. and of the heires males of his body lawfully begotten, and after the ſaid eſtate taile made as is afore ſaid by the ſaid deed indented, ſpent, executed, and determined, & not before, that it ſhall be lawfull, to, and for the ſaid E. P. and T. R. to reenter into the ſaid capitall &c. And alſo the ſaid E. P. and T. R. for them &c. that

their

then the said E. and T. their heires and assignes, within foure dates next after the making of the said deed indented and of the execution of the said estate of the said capitall messuages, and all other the premisses, to the said W. and to the heires males, as is aforesaid: And by one other deed sufficient in the Law, reciting the grant by them made to the said W. P. & the heires males of his body lawfully begotten, as is aforesaid, shall give and grant the reversion of the same capitall messuage, and all other the premisses with the yearly rent aforesaid, to the said H. P. To have and to hold the said reversion of the said capitall messuages, and all other the premisses to the said H. P. his heires and assignes for ever. And the said W. P. covenanteth &c. that he the said W. in good order of Law, shall attourne tenant unto the said H. P. of the premisses, & shall pay unto him, his heires and assignes, the said yearely rent to be reserved by the said deed indented, and to be granted unto the said H. P. his heirs & assignes as is aforesaid. And also shall permit and suffer the said H. P. his heirs and assignes, Lords of the residue of P. and B. aforesaid, yearly at two severall times in the yeare: that is to say, &c. upon reasonable warning to them given for the said day, to keep his Court of the said Manor upon any part of the premisses, without let or &c. of the said W. P. &c. or by any other person or persons, by his assent &c. And further, the said E. P. and T. B. for them, &c. that the said capitall messuages, and other the premisses, at the time of the making of the said estate thereof to the said W. P. & to the heires males of his body lawfully begotten aforesaid, shall be clearely exonerated &c. For which gift and grant of the capitall messuages, and other the premisses, to be made and conveyed to the said W. P. and the heires males of his body lawfully begotten, in form aforesaid, the said W. hath truly contented and payed to him the said H. at the inSealing hereof twenty pounds of good &c. of which twenty pounds the said H. P. knowledgeth himself &c. In witnesse whereof &c.

A Conveiance to uses of an estate Taile not to be discontinued.

THis Indenture made &c. Betweene I. D. of the one party, and to W. T. W. W. F. & T. R. of the other partie, Witnesseth, that it is covenanted, condescended, and agreed by and betweene the said parties in manner and forme following, that is to say, whereas the said I. D. the day of the date hereof hath but one only child P. D. his sonne and heire apparant, and is fully resolved and determined how and in what manner his Lordships, Manors, Lands, tenements, and hereditaments, shall by the grace of God, continue, remaine, and be as well in the life time of the said

ſaid I. and the ſaid P. his ſonne, as after their deaths, and being withall greatly deſirous to continue and ſtay all and ſingular his ſaid Lordſhips, Manors, Lands, and Hereditaments in his ſurname, and to reſtraine as farre forth as he lawfully may, the granting, ſelling, or giving away of the ſaid lands and inheritance, both as well for the conſideration aforeſaid, as alſo for the naturall and brotherly love which the ſaid I. beareth to G. D. his Brother, and for the hearty affection that he hath toward H. D. his kinſman, and other hereafter named in this Indenture, covenant and grant for him and his heires to, and with the ſaid S. W. T. W. W. F. and T. R. their heires and aſſignes, that he the ſaid I. D. and his heires, and all and every other perſon and perſons, & their heires that now ſtand or be ſeiſed of, or in all and ſingular thoſe his Lordſhips, and manors, &c. Or that hereafter ſhall be ſeiſed of the ſaid Lordſhips, Manors, and Premiſſes or of any part thereof, ſhall ſtand and be ſeiſed thereof, and of every part thereof to ſuch uſes, intents and purpoſes, and upon ſuch conditions and limitations of uſes as in theſe preſents ſhall be expreſſed and declared, and to none other uſe, intent and purpoſe. And that all eſtates hereafter to be made or ſuffered of the ſaid Lordſhips, Manors and Premiſſes, or any part thereof betweene the ſaid parties, or to other perſons at the nomination or by the conſent of any of the ſaid parties, ſhall be deemed, adjudged, & taken to be and inure, to the uſes, intents, and upon ſuch conditions as hereafter in theſe preſents are expreſſed: That is to ſay, to the onely uſe of of the ſaid I. D. for and during the term of his naturall life, without impeachment of waſte, and after his death, then to the uſe of the ſaid P. D. for and during the terme of his naturall life. And after his death, then to the uſe of the firſt begotten ſonne of the body of the ſaid P. D lawfully to be begotten, and of the heires males of the body of the ſaid firſt begotten ſonne lawfully iſſuing. And for default of ſuch iſſue male, then to the uſe of the ſecond ſonne &c. and to the uſe of other ſonnes of the ſaid P. D. lawfully begotten &c. And for default of ſuch iſſue male, then to the uſe of the next heires males of the body of the ſaid P. D. hereafter lawfully to be begotten. And for default of ſuch iſſue male, then to the uſe of the ſaid G. D. and of the heires males of his body lawfully begotten. And for default of ſuch iſſue males, then to the uſe of the ſaid H. D. and of the heires males of his body lawfully begotten. And for default of ſuch iſſue male, then to the uſe of &c. naming as many in like manner as ſhall be agreed. Provided always, and nevertheleſs it is covenanted, condeſcended and agreed by and betweene the ſaid parties to theſe preſent indentures, that if the ſaid P. D. or any iſſue male of the ſaid P. or the iſſue males of any their bodies lawfully begotten, or any other perſon or perſons which hereafter ſhall have any eſtate, intereſt, or

title,

title, in or the said premisses, or in or to any part thereof by reason or vertue of these present indentures, or of any thing therein contained, other then the said M. doe hereafter alien, bargaine or sell the premisses, or any part thereof or doe make or procure to be made any feoffement, levie any fine, suffer any recovery or put in ure, or goe about by any overt waies or meanes to put in ure or practise any other act or acts, assurance or assurances, for the destruction, determination, discontinuance, or alienation of the said estates or intailes, use or uses aforesaid, or to barre the said intailes or any of them, or to alter or change any of the said estates, or any use or uses aforesaid, whereby the said premisses or any part thereof, or the use, or uses, or estates made or to be made of the same as is aforesaid, shall be alienes, discontinued, altered, changed, or transferred from the said persons before named, to whom the premisses are limited to bee assured by these presents, in any other manner or sort, then they are limited and appointed by these presents, contrary to the true intent and meaning of the same, unlesse it be for leases for one and twenty yeares, reserving the accustomed rents, or more for the same, or for the jointure of any of their wife, or wives for terme of life onely of such wife or wives, not amounting above the yearely value of one hundred Markes, with like remainder and limitation of uses after the death of such wife or wives, as is afore said: That then and from thencefoorth the use, interest, estate, and fayle limited in these presents to him or them, that so shall die without issue, or shall make any alienation, discontinuance, bargaine, or sale, or doe or put in ure any act or acts, devise or devises, or practise any matter or matters for the destruction or alteration of the uses or estates limited, intended or implyed, as is aforesaid, or doe any act or acts, thing or things, as is aforesaid, contrary to the true meaning of these presents, shall cease and be determined. And that then the use, interest and possession of all and singular the premisses with the appurtenances so alienes, altered, changed, or attempted to be alienes, altered, or changed, as is aforesaid, shall immediately descend, remaine, revert, and come to such persons to whom the same should then next descend or remaine according to the use of the remainder and estate limited, intended, or implyed by these presents with remainders over, as is aforesaid: Provided alwaies, and nevertheless it is concluded and agreed, by and between the said parties to these Indentures, that it shall and may be lawfull, for, and to the said J. M. at any time during his life, by his writting or writtings under his hand and seale, to demise and grant the said Lordships, manors and premisses or any part or parcell thereof, for terme of one and twenty yeares, to be accompted from the making thereof at the most, whereupon the old, ancient and accustomed yearly rent or more shall be reserved, or by his last

laſt will and teſtament in writing, to give and bequeath annuities to his ſervants for terme of life or lives of any ſuch ſervant or ſervants, iſſuing and going out of the ſaid premiſſes, or any part thereof. And alſo that it ſhall and may be lawfull, for and to the ſaid I. D. to grant and aſſure the ſaid Lordſhips and premiſſes, or any part thereof, not amounting above [illegible] of the ſaid Lordſhips and premiſſes to any ſuch woman or women, wife or wives, as the ſaid I. D. ſhall hereafter fortune to marry, for terme of life or lives, onely of ſuch wife or wives, for and in conſideration of her dower and jointure. Provided alwaies and it is fully concluded, agreed and agreed by and between the ſaid parties to theſe Indentures, and their heires, that if the ſaid I. D. at any time hereafter during his life, ſhall be minded upon whatſoever cauſe or occaſion ſeeming meet or conuenient to him to adnull, make void, alter, or change the uſe, eſtate, uſes or eſtates, or any of them limited, raiſed, intended, implyed, or made by theſe preſents, touching the whole Lordſhips, manors, lands tenements and hereditaments, and other the premiſſes contained in theſe preſents, or elſe touching ſome part, or any part thereof only, and thereupon by his writing under his ſeale, and in any of the Courts of Record of our Soueraigne Lady the Queens Majeſty, her heires or ſucceſſors to be inrolled, doe ſignifie or declare that his will and pleaſure is, that the uſes, intents, and eſtates, or any of them limited in theſe preſents, ſhall be void and of none effect touching the ſaid whole premiſſes, or touching ſome, or any part thereof: That then and from thenceforth all the uſes, behooſes, intents, and eſtates made, limited, and appointed, in, or by theſe preſents, ſhall be utterly void and of none effect touching the ſaid whole premiſſes or ſuch part thereof, in which the ſaid I. D. ſhall ſo ſignifie and declare that his will and pleaſure is, that the uſes behooſes, or eſtates aforeſaid, or any of them, ſhall be void and of none effect, and that then all and every other perſon or perſons, that now ſtand or be ſeiſed, or that hereafter ſhall ſtand or be ſeiſed, of, and in the ſaid Lordſhips, manors, and premiſſes, or in any part or parcell thereof, ſhall from thenceforth ſtand and be ſeiſed of all and ſingular the ſaid Lordſhips, manors, lands tenements, and hereditaments, and of all other the premiſſes, in which the ſaid D. ſhall ſo ſignifie and declare, that his will and pleaſure is that the uſes, behooſes, or eſtates aforeſaid, or any of them, ſhall be void and of none effect: Or of ſuch part thereof in which the ſaid I. D. ſhall ſo ſignifie and declare, that the uſes, behooſes, or eſtates aforeſaid, or of any of them ſhall be void and of none effect, to the uſe of the ſaid I. D. and of his heires and aſſignes for ever: any thing herein aforeſaid to the contrary hereof in any wiſe notwithſtanding. In witneſſe whereof &c.

Covenants limiting the uſes of Fines and Recoveries levied, with a Covenant to reſtrain the liberty thereof.

Sect. 98. THis Indenture made &c. Between I. I. &c. and S. G. and E. D. &c. Witneſſeth, that whereas the ſaid I. I. is ſeiſed &c. And where alſo the ſaid S. G. and E. D. have purſued out of the Queenes Majeſties Court of Chauncerie, againſt the ſaid I. I. one writ of Entre ſur diſſeiſin en le poſt, bearing date or teſte the tenth day of &c. directed to the Sherife of the countie of S. demaunding thereby the ſaid manors, lands, tenements &c. by the name of the manor of G. &c. the ſame writ being returnable before the Queenes Majeſties Juſtices of the Common Bench at Weſtminſter, in the utas of Saint Michael th'archangell next comming, to the intent that the ſaid S. G. & E. D. ſhall recover the ſaid lands, and the premiſſes with the appurtenances, againſt the ſaid I. I. after the courſe of the common recoveries, uſed in ſuch caſes with voucher over to warrantie of one H. S. the common vouchee. And where alſo the ſaid S. G. and E. D. have purſued out of the ſaid court of Chauncery one writ of Covenant againſt the ſaid I. I. bearing date or teſte the &c. directed &c. demanding thereby that he the ſaid I. I. ſhould hold covenant with the ſaid I. S. and E. of the ſaid two chambers &c. which the ſaid I. mother of the ſaid I. I. now holdeth in dower for terme of her life, by the name of one meſſuage, &c. (naming the lands certainly) with the appurtenances &c. the ſame writ being likewiſe returnable before the ſaid Queenes &c. in the utas of S. Michael next comming after the &c. to the intent that he the ſaid I. I. ſhall levie one fine with proclamation, according to the common courſe of fines uſed in ſuch caſes of the ſaid meſſuage and premiſſes with the appurtenances, unto the ſaid S. G. and E. D. and to the heires of the ſaid S. with warrantie of the ſaid I. I. and his heirs againſt all men: It is now covenanted, granted, condeſcended, and agreed by theſe preſents between the ſaid parties to theſe Indentures, that the ſaid recovery ſo to be had, recovered, and executed by the ſaid S. G. and E. D. againſt the ſaid I. I. of the ſaid manors, meſſuages, lands, tenements, and the premiſſes mentioned in the ſaid writ of Entre of diſſeiſin en le poſt, and the execution of the ſame ſhall be to the proper uſe and behoofe of the ſaid I. I. his heires and aſſignes for ever, and that the ſame fine ſo to be levied by the ſaid I. I. of the ſaid lands, tenements, and premiſſes contained in the ſaid writ of covenant unto the ſaid S. G. & E. D. and to the heires of the ſaid S. ſhall be levied, knowledged, recorded, had and executed, to the proper and onely uſe and behoofe of the ſaid I. I. and his heirs for ever. And alſo it is fully agreed by al the ſaid parties to theſe preſents

preſent Indentures, that the ſaid S. G. and E. D. and their heires, after the execution of the ſaid recoveris, and the levying of the ſaid fine, ſhall ſtand and be ſeiſed of the ſaid manors, meſſuages, and of all other the premiſſes, to the onely uſe and behoofe of the ſaid I. I. his heirs and aſſignes for ever, and to none other uſe or intents. Provided alwaies, and it is further covenanted, granted, and agreed, by and betwixt the ſaid parties, to theſe preſents, that neither the ſaid fine ſo to be levied, nor the ſaid recovery to be ſuffered, in manner and forme aforeſaid, ſhall not in any wiſe be adjudged, conſtrued or taken to devеſt, transferre, give, or aſſure from the ſaid I. I. or his heires, any other lands, tenements, or hereditaments, then in the ſaid recited deed indented of bargaine and ſale be contained, bargained, and ſold, and expreſſed, and that the reſidue and overplus of the ſaid lands & tenements, contained or ſpecifyed in the ſaid fine & recovery ſo to be levied, and not in this deed indented, mentioned, meant to be conveyed to the ſaid I. I. and to the heires of the ſaid I. ſhall be to the only and proper uſe or uſes of the ſaid I. I. and of his heires for ever, and not to any other uſe or uſes, intent or purpoſe. In witneſſe &c.

Covenants limiting Vſes in taile not to be diſcontinued.

THis Indenture tripartite made &c. Between H. H. on the firſt partie And Sir I. S. on the ſecond partie, And I. C. on the third partie, Witneſſeth, that where the ſaid H. H. is lawfully ſeiſed of an eſtate of inheritance, of, and in divers lands, tenements, and hereditaments with their appurtenances in H. H. and F. in the ſaid County of L. and he ſo being thereof ſeiſed, and having no iſſue preſently of his body lawfully begotten, calling to remembrance the uncertainty of this preſent life, hath thought it expedient by the advice of his deare friends, to ſet the ſame in ſuch good order and ſtay, that after his death there ſhall ariſe no contention or ſuit for the premiſſes amongſt his kinsfolks or friends. It is therefore betweene him the ſame H. H. and the other parties above remembred, by theſe preſents fully covenanted &c. that is to ſay, the ſaid H. H. covenanteth &c. that he the ſaid H. H. before the feaſt of &c. ſhall permit and ſuffer the ſaid I. S. to purſue out of the M. Majeſties Chancery, within her highneſſe County Palantine of L. one writ of Entre ſur diſſeiſin en le poſt, returnable at a certaine day before the M. Majeſties Juſtices there. And by the ſame writ ſhall demand againſt the ſaid H. H. four meſſuages &c. with the appurtenances in H. H. and F. in the countie of L. To which writ the ſaid H. H. ſhall appear in proper perſon, or by his Atturney ſufficiently authoriſed for the ſame, and ſhall vouch to warrantie immediately upon his appearance the common vouches, as in ſuch caſes is uſed by the common voucher.

And

And that the same vouchee shall appeare in proper person upon the same voucher, and shall thereupon imparle, and after make default to the intent a perfect judgment may be had for the demandants in the same, and so over against the said common vouchee, according to the course of Common recoveries in such cases provided. Upon which said Recoverie so to be had and suffered as is aforesaid, It is severally covenanted &c. that the said I. C. and his heires, by force of the said recovery, and of the said judgment and execution of the same, shall immediately stand and be seised, of, and in the said messuage &c. to the uses and intents hereafter expressed and declared in these presents, and to none other use, intent or purpose: that is to say, to the use of the said H. H &c. Provided alwaies &c. that if the said C. or any of his sons or daughters, to whom the said messuage &c. be by these presents limited and intailed, in manner and forme aforesaid, doe at any time hereafter die without issue of their bodies lawfully begotten, or they, or any the issue of any of their bodies lawfully begotten, inheritable by force of the limitation aforesaid, and of these presents, effectually attempt, practise, purpose, and goe about to alien, bargaine or sell the premisses, or any part or parcell thereof, or doe or make any deede, writing, or levie any fine, or suffer any recovery against them of the said Lands, Tenements, and Hereditaments, or of any parcell thereof, or by any fraud or covin, act or acts, thing or things whatsoever, for the destruction, barre, or determination of any of the intailes of the premisses above mentioned or any other to whom any remainder or use is limited or appointed by these presents: That then and from thenceforth the use, interest, or title limited by these presents to him or them that shall so die without issue, or shall bargaine, alien, or sell or otherwise incumber the premisses, or any part thereof as is aforesaid, contrary to the true meaning of these presents, shall determine, cease, and be cleerely frustrated in like manner and forme, as if he or shee had died without Issue of his or their bodies, and that then the use, interest and possession, of and in the premisses with the appurtenances, shall be immediately from thenceforth in him next in remainder, according to the same use, remainder, interest, & estate to him or her limited by these presents: any thing herein contained to the contrary hereof in any wise notwithstanding &c.

Bills obligatory, and Obligations.

What Bills and Obligations be, and what is specially to be considered therein.

A Bill or Obligation (which be all one, saving that when it is in English, it is commonly called a Bill, and when it is in Latin, an Obligation) is a deed, whereby the obligor doth knowledge himselfe to owe unto the obligee a certaine summe of money or other thing. In which besides the parties names, are to be considered the summe or thing due, and the time, place, and manner of paiment, or delivery thereof. Obligations be either by matter in deed or of Record. An Obligation by matter in deed is every Obligation which is not knowledged and made in some court of Record, as in the examples next hereafter ensuing. Sect. 100.

A Bill obligatory by one to one.

THis Bill witnesseth, that I T.T. of D. in the county of D. Esq. doe owe unto W.W. of B. in the said county Gent. r.li. of lawfull English money, for the paiment whereof, I bind me and mine heires. In witnesse whereof, I have hereunto put mine hand and seale the first day of January in 23. yeare of the raigne of our soveraigne Lady El. by the grace of God, of England, France, and Ireland Queene, defendor of the faith, &c. Sect. 101.

Or shortly thus.

I D. owe unto D. B. r.li. of lawfull English money for the payment hereof I bind me and my heires. In witnesse, &c. I have herunto put my hand and seale the rr. day of &c.

Or thus indented, containing daies and place of paiment with a penaltie.

THis Bill indented made the xviii. day of N. in the xxvii. yeare of the raigne of our soveraigne Lady Elizab. by the grace of God of Eng-

land, France, and Ireland Queene, defendor of the faith &c. Between W. W. of R. in the county of Yorke gent. on the one party, and T. T. of R. aforesaid yeoman on the other party, witnesseth: that the said W. W. doth owe unto the said T. T. r. li. of lawfull English money, to be paid to the said T. T. his executors or administrators, in the South porch of the parish Church of R. aforesaid, in maner and forme following: That is to say, upon the first day of March next ensuing the day of the date hereof v. li. thereof, and upon the second day of Aug. then next following other v. li. thereof residue: For the which paiments well & truly to be made, in maner and forme aforesaid, he the said W. W. doth by these presents bind himself, his heires, executors, and administrators, and every of them firmely by these presents in rr. li. of like lawfull English money to be forfeited and paid to the said T. T. his executors or administrators. In witnesse whereof the said parties have hereunto interchangeably put their hands and seales the day and yeare first above written.

Or thus without a penalty.

BE it knowen unto all men by these presents that I T. B. of D. in the county of S. yeoman, do owe unto I. S. of the said town & county gentleman, 100. li. of good and lawfull &c. to be paid to the said I. S. his heires, executors, or administrators, upon the feast of Easter day next coming after the date hereof: For which paiment well & truly to be made, I bind me and mine heires firmely by these presents. In witnesse whereof I have hereunto put my hand & seale. Dated the first day of January in the two and thirtieth yeare of our &c.

Or thus by two or two.

BE it knowen &c. That we W. and P. &c. owe, or are indebted to S. I. and C. R. Gentleman, in tenne Pounds of Lawfull English Money, to be paid to them, or either of them, or their Attourney, executors, or administrators, the first Day of May next insuing after the date hereof, in the South porch of the Parish Church of R. in the County of Yorke: For the which paiment well and truly to be made, we bind us, and either of us, our heires, executors, and administrators, and every of us joyntly and severally for the whole, and in the whole by these presents. In witnesse whereof &c.

Or thus by three to three.

BE it knowen &c. That we A. B. C. D. and E. doe owe and are indebted unto T. S. I. K. and L. P. in r. li. of lawfull &c. to be paid to the

said

ſaid T.S. I.K. and L.P. or any of them, or to their Atturnies executors, or &c. or any of them, upon the &c. For the true paiment whereof, we bind us, and every of us jointly and ſeverally by theſe preſents. In witneſſe whereof &c.

A Bill for money lent.

BE it knowne unto all men by theſe preſents, that A.B. &c. at and before the making hereof hath received & had by way of free loane of C.D. &c. one hundred pounds of lawfull Engliſh money, which hundred pounds the ſaid A.B. by theſe preſentes knowledgeth himſelfe to owe unto the ſaid C.D. to be paied to him, or his certaine Atturney, his Executors, or Adminiſtrators, upon the 1. day of May next inſuing the date of theſe preſents. And for the true paiment thereof, doth by theſe preſents, firmely bind him, his heires, executors, and Adminiſtrators, and every of them. In witneſſe whereof &c.

A Bill for things lent.

BE it known &c. That A.B. &c. the day of the making hereof hath received & had by way of frank and friendly loane of C.D. one Bible containing the old and new Teſtament in the Greek Tongue bound in paſte and in blacke leather, to be uſed by him till &c. during which time the ſaid A.B. doth by theſe preſents for him, his Executors, and Adminiſtrators, and every of them covenant, promiſe, and agree, to & with the ſaid C.D. his &c. well and ſafely to keep the ſaid Booke, and it to reſtore and redeliver to the ſaid C.D. or his certaine Atturney, his executors, or Adminiſtrators, in ſo good plight as the ſame now is, Or then to pay to the ſaid C.D. for the ſame Book 11.s. of &c. For the performing of which covenant & agreement the ſaid A.B. doth by theſe preſents bind himſelfe, his executors, and adminiſtrators, and every of them in 11.s. of lawfull Engliſh money, to be paid to the ſaid C.D. his executors or adminiſtrators. In witneſſe whereof &c.

An Obligation by one to one.

NOverint univerſi p preſentes me W.G. de R. in comitatu S. gen', teneri & firmiter obligari W.B. in decem lib' bone & legalis monete Anglie: Solvend' iſdem W.B. aut ſuo certo attornat', vel executor' ſuis in feſto S. Mich. Archang. proxim' futuro poſt datum preſentium. Ad quam quidem ſolutionem bene & fideliter faciend', obligo me, hered', executor' & adminiſtrat' meos firmiter per preſentes. Sigillo meo ſigillat. Dat' 3 die, Sect. 102.

die Ian. anno regni domine nre Eliz. Dei gratia Ang. Franc. & Hiber. reg. fidei defensoris &c. 36.

Or thus to a Sheriffe.

NOverint universi p presentes me I.L. de C. in Comit E. husbandman, teneri & firmiter oblig. T.C. Militi, Vicecom' Com' E. in xx. libr, bonæ &c. Solvend' eidem Vicecom', aut suo certo Atturnat, vel executoribus suis, Ad quam quidem solutionem bene & fideliter faciend, obligo me, hæredes, executores, & administratores meos firmiter p presentes. Sigillo meo sigillat, Dat &c.

Or thus: of person and goods renouncing Sanctuary and protection.

NOverint universi per presentes, quod ego A.B. non coactus, nec compulsus, nec aliqua alia mala imaginatione ad hoc inductus, sed mera, propria, & spontanea voluntate, & certa scientia cognosco, ac palam & publice confiteor me teneri, & p presentes firmiter obligari D.E. in quinginti libr legalis monetæ Angliæ: Solvend & restituend eidem D.E. aut suo certo Atturnat, procurat, nuncio, hæred, vel execut suis, aut latori presentium in festo P. proxim' futur. sine dilatione ulteriori. Ad quam quidem solutionem bene & fideliter faciend & perimplend in forma predict', obligo me, hered & executores meos, ac omnia bona mobilia mea presentia & futur, tam ultra Mare, quam citra, in quocunq; loco vel jurisdictione inventa fuerint capienda & distringenda. Etsi (*quod absit*) defect. fiat in solution' pred' ultra festum sive terminu supius limitatum, tunc quecumq; damna, sumptus & interesse dict' D.E. patietur, aut pati poterit vel debet, ptenor defect'. illa omnia & singula ego dict' A.B. tenebor & firmit obligor p presentes solvere & fidel. satisf. sicut de debit principali: Stat. privilegiis, ac consuetud quibuscunq; Civit. Lond. seu cujuscunq; alter Civitatis, villæ, patriæ, vel loci ad hoc contrar nonobstantib. Revoco etiam & renuntio omnes protectiones, defensiones, sanctuaria, franchesias, libertates, subventiones, & privilegia quecunque p quæ ego possim in hac part tueri, aut cautelas, seu dolum malum facere in damnum & prejudic' E. credit' mei de premissis. In cujus rei testimon. &c.

But to bind the goods, it seemeth better to make conditionall sale thereof.

Or thus, by two to two.

NOverint universi p presentes nos W.M. de C. in comit' L. Yeoman & T.R. de R. in comitatu pred' Taylor, teneri & firmiter obligari S.I. & C.R. generos. in xl. li. bonæ & legalis monetæ Angliæ. Solvend eid S.I. & C.R. seu eorum alteri, vel eorum certis Attornat', execut', vel administrat suis. Ad quam quidem solution' bene & fidelit' faciend obligam

nos

nos & utrumque nrm p se, pro toto & in solido, heredes, execut', & administrat' nros p presentes, sigill' nris sigillatas &c. Dat &c.

An Obligation, where two owners of a ship are bound to two Merchants.

NOverint univer p presentes nos I.B. & R.T. de villa Hull' marinarios ac possessores sive proprietar cujusd navis vocat' Primrose of Hull teneri & firmit' obligari W.C. & I. C. Mercatoribus villæ C. in xl.li. legalis monetæ Angliæ, Solvend' eisd W. C. & I.C. seu eorum alteri vel eorum cert' Attorñ, hered seu executor suis in festo Paschæ proxim' futur post datum presentium, Ad quam quidem solution' bene & fideliter faiend obligamus nos, & utrumque nostrum p se, pro toto & in solido, ac navem præd cum toto appatu ejusdem, hered', executor, & administrator nostros, ac omnia bona nostra, tã ultra mare quam citra, ubicunque fuerint inventa per presentes, In cujus rei &c.

But a Conditionall sole seemeth more sure then this.

Or thus, where three are bound to the Queen, and others.

NOverint universi &c, nos A.B, C. Mercator de Venet', teneri & firmiter obligari excellentissimæ Principi Eliz. Dei gratia Angliæ, Franciæ & Hiberniæ Reginæ, fidei defensori &c. ac T.B. & H.C. Collectoribus & Customariis Subsid' ejusdem dominæ Reginæ in portu Colcestriæ in viginti libr sterlingorum: Solvend eidem Dominæ Reginæ & customariis, aut eorum uni, vel eorum certis attornatis. Ad quam quidem solutionem bene & fideliter faciendam, obligamus nos & quemlibet nostrum per se, pro toto & in solido, heredes, executores, & administratores nostros per presentes. In cujus rei testimoniũ &c.

Or thus, by three to three.

NOverint &c. nos &c. A.B, C.D, & E.F. Milites, teneri &c. G.H.I.K. & L.M. generos. in xl.li. sterling'. Solvend' eisdem G.I. & I. seu alicui eorum, aut suo certo attorn', vel executor suis, in festo omniũ sanctor, proximo futuro post dat' presentium. Ad quam quidẽ solutionẽ bene & fidelit' faiend, obligamus nos, & quemlibet nostrum per se, pro toto & in solido, hered, execut' & administrat. nros p presentes. In cujus rei testim' huic presenti script' nro sigilla nra apposuimus, Dat. &c.

Or thus, with daies of payment and penaltie.

NOverint universi per presentes nos A.B.C.D.& E.F. &c. teneri & firmiter &c.G.H.I.K &.L.M.in C.li.legalis monetæ Anglie, Solvend eisdem G. I. & L.in forma subscripta, viz. in festo Annunc beatæ Marie Virginis nunc proxim' sequen' quinq; libras: In festo Paschæ tunc proxim sequen', quinque libras, in festo nativitatis S.I. Baptist' tunc proxim sequ' quinque libras,& sic de festo in festum : viz.in quolibet festo festor illor quinq; libras,quousq; dict' C.li.plen' ut sic persolvantur : ad quas quidem solutiones, & quamlibet earum (ut premittitur) bene & fideliter faciend obligamus nos,& quemlibet nostrum &c. Et si contingat nos praf. A.B. C.D.& E.F. deficere in aliqua solutione præd. in parte vel in toto contra formam pred, tunc volumus & concedimus, nos teneri & quemlibet nostrum p se,pro toto & in solido p presentes firmiter obligari præf.G.I. & L.in pred.C.li, Solvend eidem G. aut suo cert' Attorn' executor aut assignat' suis:In cujus rei testimonium &c.

Or thus, to a Bishop, or others.

NOverint universi per presentes nos Ric' I. de S. in comit' Eborum Taylor,R.I.de R.eodem in comitatu Taylor, R.S.de S.prædict' Husbandman, & R.H.de L.comitatu prædicto, teneri &c, reverendissimo in Christo patri & domino, dom T. permissione divina Eborū Archiep. Angl' primati & Metropolitano, & Magistr W. I.in legibus Baccalaureo Scaccar dicti Reverend patris apud Ebor commissar & recept' general, & W.& I.liber N.I.de R.in 300. li. bonæ & legalis monet Angl'. Solvend eisd reverend patri,& Magist.W.I.commiss. ac liber pred aut eorū certo tornat,executor & administrat suis, in fest' sancti Mic. Archangeli proxim futuro post datum presentium,Ad quam quidem solutionē bene & fideliter faciend obligamus nos,& quemlibet nrum per se pro toto & in solido hered, executor & administrator nros firmit per presentes,Sigill' nostra sigillat. Dat &c.

Thus much of Obligations not being of record, whereunto succeed those that be of Record.

Recognisance

Recognisances.



A Obligation by matter of Record, is a writting obligatory, knowledged & inrolled in some of his Majesties courts of Record before a Judg or other officer, having authority to take the knowledgement thereof. And is either a Recognisance, or a statute. In a Recognisance he is the Recognisor which knowledgeth it, and he the Recognisee to whom it is knowledged. And a Recognisance is a bond of record testifying the recognisor to owe unto the Recognisee a certaine sum of money, and is knowledged in some court of Record, or before some Judge or other Officer of such court, having authority to take the same: as the Masters of the Chancery, the Judges of either Bench, Barons of the Exchequer, Justices of peace &c. And those that be meere Recognisances are not sealed, but are inrolled: and execution by force thereof, is of all the Recognisances goods and chattels, except his draught beasts and implements of husbandry, and the moitie of his lands: and they been made thus: Sect. 103.

A Recognisance in the Chancery.

MEmorandum quod Joh. A. de A. in Comitatu Sussex armiger, coram domina regina in Cancellaria sua personaliter constit', recognovit se debere I.B. civi & Grocer' London, centum & nonaginta libras bonæ & legal' monet' Angliæ, Solvend' eid' I.B. aut suo cert' attornat', hered', execut', vel assignat' suis, in festo Purification. beate Marie virgin' prox' futur. post dat' hujus recognit'. Et nisi ita fecerit vult & cõcedit pro se, hered', execut', & administrat' suis p̃ presentes, q̃ dict' sum' cent' & nonagint' libr', levetur & recuperetur de mobilibus, messuag', terris, tenementis, bonis, catall', & hereditament' ipsius I.A. hered', executor', & assignat' suor' ubicunq; fuerint invent' p̃ presentes: Teste dicta domina regin. apud West. ultimo die Decemb. Anno regni ejusdem dom̃ nostr̃ Eliz. Regin' xxxvi.

A Recognisance in the Admiralty.

DIe Martis vii. die mensis M. An. dom̃ 1580. Regniq; Serenissimæ dominæ nostr̃ El. reg. &c. xxiii. vicesimo tertio, coram D.I. Legum doctor Suprem' Cur' Admiral' Angl' Judice, nec non uno è Commissariis pro

Piratiis, deprædatioñ &c. in ædibus ſuis &c. in preſentia mei Will. H. notarii publici dict' cuī Regiſtoris, comparuerunt perſonaliī Willihelmus A. de C. in com. Suſſ. generī T. S. de parochia ſancti Mildredi in Pultria civit Londoñ Iremonger, Will' A. de T. in dict' comñ Suſſ. generī, & T. M. de A. in comitatu Glamorgan generī, ac recognoverunt ſe debeī dict' ſereniſſimñ domñ nræ Eliz. reg &c. ſūmam ducentaī libraī: Solvendī eidē Domñ reg. aut ſuo certo attornaī, hered' vel ſucceſſoribus ſuis prim. die prox. futuī menſis April', Quā ſumñ quilibet eoī recognovit ſe debere. Et niſi hæc feceī &c.

A ſingle Recogniſance before Iuſtices of the Peace.

MEmorandum qd ſeptimo die Ian anñ regni domñ noſtī Eliz. dei gratia Angl', Franc' & Hiberñ reg. fidei defenſ, &c. xxxvi. venerunt coraī nobis, C. B, Militī, & W. M. armigerī Iuſticiaī dict domin. reg. ad pacē in com. E. conſervand. aſſignaī I. S. de B. in com. E. yeomā & W. S. de eodem Weaver, ac R. D. de S. in comñ pred' Taylor, Et recognoveī ſe debere dict dñ reg. viz. quilibet manucapt prædict quinq; libī, & prædict I. S. decem libī boñ & legalis moneī Angl. Solvend. eidē dom. regin. in feſto Purific. beat Mariæ virginis prox. futuī poſt dat, præſentium. Et niſi fecerint, conceſſerunt &c. *ut ſupra.*

A Recogniſance for the peace, and to appeare at the next Seſſions.

Sect. 104. MEmorandum quod 4. die Iulii, Anno regni dom. noſtī Elizabeth, dei gratia &c. xxxvi. R. P. de I. in com. E. yeoman in propī perſona ſua, venit coram me G. M. uno Iuſticiarioī dict. dominæ Regine ad pacem in dicto comitatu cōſervand. aſſignat. & aſſumpſit pro ſeipſo ſub pœna xx. li. Et H. I. de L. in comñ predict' yeoman. Et I. E. de M. in eodē comitatu huſbandman, tunc & ibidem in propriis pſonis ſuis ſimiliter venerunt, & manuceperunt pro predict R. P. (videlicet) quilibet eorum ſeperatim ſub pœna centum ſolid', Quod idem R. P. perſonaliter comparebit coram Iuſticiariis dict' domin' reg. ad pacem, ad proximñ generalem Seſſionem pacis in comitatu predict' apud M. tenendam, ad faciendum & recipiendum quod ei p Curiam tunc ibidem injungetur. Et quod ipſe interim pacē dict' dom. reg. cuſtodiet erga ipſam dom. reginam & cunctum populum ſuum & precipue verſus M. N. de I. predicta yeoman. Et quod damnū, malum aliquod corporale, aut gravamen pref. M. N. aut alicui de populo dict' dom. reg. qd in leſionem aut pturbat pacis ipſius dom. reg. cedere valeat quoviſmodo non faciet, nec fieri procurabit. Quam quidem ſummā viginti libraī predict' R. P. & quilibet manucaptorum predictorum predictas ſeperales ſummas centum ſolid' cognoverunt ſe debere dict' dom. reg. de terris &

tene-

tenement', bonis & catallis ſuis,& quorumlibet & cujuſlibet eorum, ad opus dict dom.reg.hered' & ſucceſſorum ſuorum fieri & levari,ad quorumcunq; manus devenerint, ſi contigerit ipſũ R.P. premiſſ.vel eorũ aliquid in aliquo infringere & inde legitimo modo convinci. In cujus rei teſtimonium, ego predict' G.M.preſent' ſigillum meum apposui.Dat' apud I.predict' die & Anno primo ſupradictis.

Or thus, a little differing:

MEmorandũ quod quarto die &c. A.B. de I. &c. & C. D. de eadem yeoman, venerunt corã me G.M.&c. & manuceperunt pro I.S.nup de L.&c.quod ipſe perſonalit' comparebit corã me prefat' G.M. vel ſociis meis Juſticiar pacis dom.reg. ad proximã generalem Seſſionem &c. Et quod ipſe interim geret pacem erga cunctum populum dictæ dom.Regi.& precipue erga R.S.&c.viz.quilibet manucapt' pred' ſub pœna xx.libr. Et prædict' I.S.aſſumpſit pro ſeipſo ſub pœna xl.libr.Quam quidem ſummam xl. libr predict' I. S. & quilibet manucaptorũ prædict' dictam ſummam xx. libr, recognoverunt &c. *ut ſupra.*

Recogniſance for the good abearing.

MEmorandum quod 5.die menſis Julii Anno regni Elizab. &c. xxxvi. venerr coram nobis E.N.& W.S. &c. quod idem R.G. perſonaliter comparebit coram Iuſticiar dictæ dominæ Reginæ ad pacem &c. ad proximam generalem Seſſionem &c. Et qr ipſe interim ſe bene gerat erga dictam dominam Reginam, & cunctum populum ſuum, & precipue erga I.B. de C.&c.Et quod ipſe non inferet nec inferri procurabit, per ſe,nec per alios, damnum aliquod ſeu gravamen præfat' I.B.ſeu alicui de populo ipſius domin' Reginæ de corporibus ſuis per inſidias, inſultus, ſeu aliquo alio modo,p in leſionem ſeu ꝓturbationem pacis dict' d'næ Regin, cedere valeat quoviſmodo : viz. uterque predict' H.C. & I.S. ſub pœna C.li, Et prædictus R.G.ſub pœna C.C.libr.Quas quidem ſeperales ſummas centum librarum,uterque prædictorum H.C.& I.S.(ut prædicitur) p ſe ac prædict. R.G.dictas CC.li. recognoverint ſe debere dictæ dn'æ Regiñ, de terris & tenementis, bonis & catallis ſuis, & quorumlibet & cujuſlibet eorum, ad opus ipſius dictæ dñæ Regiñ fieri & levari,ſi contingat præfat' R.G. in aliquo præmiſſorum deficere, & inde legitimo modo convinci &c. In cujus rei &c.

A Recognisance to give in evidence against one that is suspected of Felonie.

MEmorand' quod xx. die No. Anno regni dn'e nostre Elizabethæ Dei grat' Angl. Francie, & Hiber' Reg. fidei defensor. &c. xxxvi. R.T. nuper de C. in Com' prædict' yeoman venit coram me W. M. armig' uno Iustic' dict' domin' reg. ad pacem in com' præd' conservand' assignat', Et recognovit se debere dict' domin' reg. quinque libr' legalis monet' Angl' Sub conditione, qd' ipse psonaliter comparebit coram me & sociis meis Iustic' præd' ad proximam generalem gaolam in comitatu præd' tenend' Et ad tunc & ibidem ostend' in evidenc', secundum formam statuti, versus D. E. in com' pred', qui modo attach. & suspect' felonie gaole dictæ dominæ Reginæ com' præd' commissus existit, quod tunc &c. aliquin &c.

A recognisance for keeping of a Taverne.

MEmorãdum quod 4. die Februar' Anno reg. domin' nostr' Elizabethæ Dei gratia Angliæ, Francie, & Hiber' reginæ, fidei defensoris &c. xxxvi. venerunt coram nobis C. B. & H. W. Milit', Iusticiar' dict' domine reginæ ad pacem dictæ dominæ reginæ in Comitat' Eborr' conservand', necnon alia malefacta ac diversas transgres. perpetrat' audiend' & terminand' assignatis. A. B. de T. in comitatu prædict' L. & R. A. in comitatu predict. H. & W. T. de eadem in eodem comitatu Weaver. Et manuceper (videlicet) quilibet manucapt' predict' sub pœna quinquagint' solid'. Et predict' W. T. assumpsit pro se sub pœna quinque libr' quod ipse W. T. bene gerat Tabernam secundum formam statuti. Quas quidem seperales summas quilibet eorum cognovit se debere dict' dom' Regin', Atque volunt & concedunt de terris & tenemtis, bonis & catallis suis & cujuslibet eorum fieri & levari, si præd' W. T. defecerit &c.

A Recognisance for alehouses.

MEmorandum quod 7. Die Sep. &c. Anno reg. &c. I. L. Baker & I. G. Joiner de &c. in comitatu præd' venerunt coram nobis W. K. & A. B. armig', duobus Justiciar' dom' reg. & manuceperunt pro R. D. de &c. quilibet manucapt' præd' I. K. & I. S. sub pœna decem libr', & idem R. D. manucepit pro seipso sub pœna vigint' libr', q' ubi præd' R. D. per præd' Justiciar' nunc admissus est ad custodiend' cõmun' domũ Cervisiæ sive Tipland', secundũ formam statuti in anno 5. & 6. dñi regis Edw. sexti edit' si præd' R. D. deinceps non custod' nec frequentat aliquos ludos illicitos, sive prohibit' in domo sua, neq; hospitet in domo sua aliquos vagabundos, sive otiosas

otioſas aut ſuſpectas perſonas, nec cuſtodit aliquam malam requiem in domo ſua, durante termino quo ipſe occupaverit communem domũ Cervic' ſive Tiplãd': Et ſi defect' fiat in aliquo ſive aliquibus premiſſ. tã manucapt̃ pred, quã R.D. cognover ſummas prædt̃ levand de bonis & catallis, terris, & tenementis, ad opus & uſum dict' domin' Regin, &c.

Alio modo.

MEmorandum quod x. die Ian. &c. A. &c. venerunt corã nobis W.K. & A.B. armig' duobus Iuſtic', & A.B. & E.F. &c. & manuc' pro I.H. viz. quilibet manucapt̃ ſub pœna vi.li. & predt̃ I.H. per ſeipſũ aſſumpſit ſub pœnã x.li. quas &c. li &c.

A Recogniſance before a Iuſtice of the Common Pleas.

MEmorandum quod viii. die Martii, Ann. regni Elizab. &c. xxxvi. A.B. de C. in Comitat̃ D. Miles veint coram me R.H. uno Iuſticiariorum dict' com reg. de banca in propria perſona ſua, Et recognovit ſe deber E.F. armig' ſexcent' libras legalis monete Angl' Solvend eidem E. executor vel aſſignat ſuis, in feſto Nativitatis ſancti Io. Bap. proxim' futur. Et niſi fecer, concedit, pro ſe & hered' ſuis, quod prædict' ſexcent' libr de terr & catallis ſuis ad opus & uſum predicti E. & executorum ſuorum leventur, ad quorumcunque manus devenerint &c.

A Recogniſance before the Barons of the Exchequer.

MEmorand quod I.M. gen. nominat̃ Ballivus & collector reddit & reven' manerĩ de B. in com E. nuper parcell' poſſeſſion' nup Monaſterii de P. in com præd C.I. de S. in com præd' gen' & F.S. de C. in eodem com gen, venerunt coram Baron de Scacc. dom. reginæ nunc apud Weſtm̃ decimo nono die M. anno regni dict' domine reginæ nunc viceſimo nono in propriis perſonis ſuis. Et recognoverunt ſe conjunctim & diviſim deber eid' dom reg' &c. Solvend eid' dom reg' in feſto &c. prox. futur. Et niſi fecerint, concedunt & quilibet eorum concedit pro ſe, her & execut̃ ſuis, q̃ Barones hujus ſcaccar̃ de terris & tenementis ſuis de quibus ipſi aut eorum aliquis, aut aliquis alius, ſive aliqui alii ad eor̃ ſive eor̃ alicujus uſum ad preſens ſeiſit̃ exiſtit aut ſeiſit̃ exiſtunt ac de bonis & catallis ſuis ad quorumcunque manus devenerint dictos denarios fieri faciant ad uſum domine regine levari.

Statutes

Statutes, and Statutes Merchants.

Sect. 105. A Statute is a Bond of Record ſealed; teſtifying the Debtor to owe unto the Creditor a certaine ſum of money. And the ſame Bond is knowledged before ſuch perſons, and in ſuch manner as is appointed by Statutes in that behalfe made. And therefore beene ſuch bonds termed Statutes: and they be of two ſorts, that is to ſay, Statutes Merchants, & Statutes Staple. A Statute Merchant is a Bond knowledged before one of the Clerks of the Statute Merchant and Maior or chiefe Warden of the City of London, or two Merchants of the ſaid Citie for that purpoſe aſſigned, or before the Maior, chiefe Warden or Maiſter of other Cities or good Townes, or other ſufficient men for that purpoſe appointed. And ſealed with the Seale of the Debtor, and of the King, which is of two pieces, the greater is kept by the ſaid Maior, chiefe Warden &c. and the leſſer piece thereof by the ſaid Clerkes. The fee for the ſaid Seal is for Statutes knowledged in Fayres of every pound an half peny, and out of Fayres of every pound a farthing. The execution upon Statute Merchant is firſt to take the body of the Debtor, if he be lay, and can be found, if otherwiſe, then upon his lands and good. 13 E. 1. ca. And it is made in forme following.

A Statute Merchant.

Sect. 106. NOverint univerſi &c. nos A.B. & C.D. teneꝛ̄, & per preſens ſcripꝫ de ſtatuꝫ Mercatoꝛ̄ firmiꝫ oblig. W.P. in quinquaginꝫ libꝛ̄ ſterlingoꝛ̄ Solvendꝫ eidꝫ W.P. aut ſuo certo Atturnaꝫ hoc ſcripꝫ oſtendꝫ, executoꝛ̄ vel adminiſtratꝛ̄ ſuis, in feſto P. prox. futuꝛ̄ poſt datū pꝛ̄ eſentiū. Et niſi feceꝛ̄, volumus & ꝓ preſentꝫ concedimus, ꝙ currant ſuꝑ nos & utrumq; nꝛ̄m hereꝺ, executoꝛ̄, & adminiſtraꝫ noſtꝛ̄, pœna & diſtrictꝫ proviſ. in ſtatuꝫ domꝰ Regis apud Acton Burnel & Weſt. pro Merchandiſis edito tempore domini Ed. quondam Regis Anglie, progenitoris dominæ Regin. nunc exiſtenꝫ. In cujus rei teſtimonꝫ huic preſentꝫ ſcripꝫ meo ſigillꝫ meū una cum ſigillꝫ dictꝫ. domꝰ noſtꝛ̄ reg. de Recogn. debiꝫ ville de K. ſuper Hullꝫ preꝺ preſentꝫ appenſ. Daꝫ coꝛ̄ā R. I. Majore ville de K. ſuper Hullꝫ preꝺ & I.L. clericꝫ ad hom̄odꝫ recogn̄ debiꝫ pro Merchanꝺ in eadem empꝫ recuperandꝫ ordinaꝫ & proviſ. accipiendꝫ deputatꝫ 30. die Jan. An. reg. dictꝫ domin̄ reginæ xxxvi.

Or

Or thus.

Coram A.C. de K. *vel* coram Cuſtod' ſigil' dom̃ reg. nunc de Mercatorib' in Nundinis de K. & C. D. clerico ejuſd' dom̃ reg. ad hujuſmodi recogn. &c.

Another ſtatute Merchant.

NOverint univerſi p̃ preſent̃ me I.W. de &c. teneř & p̃ preſens ſcriptũ de ſtatuť Mercator̃ firmiť obligař W.C. in xl. libř legalis monetæ Angl'. Solvend' eid' G. aut ſuo certo Atturnat', hæred' vel executor̃ ſuis in feſto P. prox. futur̃ poſt datũ preſentiũ. Et niſi fecero, volo & p̃ preſentes concedo q̃ currant ſup̃ me, hered' & executor̃ meos, diſtriction' & pœnæ proviſ. in ſtat̃ dom̃ reg. apud Acton Burnel & Weſt. pro Merchant edit. Et facta fuit hæc recognic' coram I.F. & W.C. tunc Ball' vill' G. præd', cuſtod' major̃ peciæ ſigill' dict' ſtatuť, & T.R. clerico dom̃ reg. cuſtod' minor̃ peciæ ſigill' ejuſd' Statuť ad recogn' debitor̃ Mercator̃ apud G. præd' accipiend' deputat'. In cujus rei teſtimon' huic preſent̃ ſigill' meũ & ſigill' dict' Statuť apponi procuravi. Dat' G. di. &c. anno. &c.

A ſtatute knowledged before Bayliffes.

NOverint univerſi p̃ preſentes nos H.L. de B. in comitat' S. gen' I.P. de M. in com̃ R. gen' I.P. de Nova vill' in com̃ &c. armig' I. Ap. E.W. in S. predict' gen. I.D. de predict' in eodem com̃ S. gen. O. Ap. M. de W. predict' in com̃ S. predict' gen. M. Ap. I. de W. predict' in com̃ S. pred' yeoman teneri & firmiter obligari H.T. & R.T. armig' in &c. Solvend' eiſdem H. & R. aut eorum uni, ſeu eorum certo Atturnat', exec', ſeu aſſignat' ſuis, in feſto P. proxim̃ futur̃ poſt datum preſentium. Et ſi defecer̃ tunc volumus & concedim' q̃ currant ſup̃ nos, & quemlibet nr̃um & hæredes nr̃os, diſtrict' & pœna proviſ. in ſtatuť pro Mercator̃ apud Acton Burnel, & W. tempore domini Edw. quondam Reg. Angl. edit' recuperand'. Et facta fuit hæc recognitio coram R.M. & I.H. ballivis dominæ reginæ ville ſue de L. cuſtod' majoris pecie ſigill' ſtatuti Mercat' quod dom̃ debit' Mercat' apud L. predict. deputat', ac cuſtod' minoris peciæ ſigill' ejuſd' Statuť. In cujus rei teſtimoniũ huic preſent̃ ſcript̃ nr̃o ſigill' nr̃a appoſuim', & pro maiore ſecuritate ſigill' ſtatuť Mercator̃ villæ q̃ his apponi procuravim'. Dat' xx. die &c. In An' reg. &c. xxxvi.

A Statute Merchant knowledged before Baylifes.

NOverint universi per presentes me W.C. in com. de S. yeoman, teneri & firmiter obligari I.B. de S. pred' Mercat' Stapul' Calic' in &c. Solvend' eid' I. aut suo certo attornat', hered' vel executor' suis, in festo B. prox. futur' post dat' præsent'. Et nisi fecero, volo q̄ currat̄ super me, har', et execut' meos, pœna & distriction' provis. in stat' domini Reg. E. apd' Acton Burnel pro Mercator' edit', & postmod' apud West. recitat. In cujus rei testim tā sigill' præd. domini reg. pro hmdi caus. ordinat' quam sigill' meū præsent' fec' apprens. Dat' apud S. decimo die &c.

A Certificat of a Statute.

VEnerabili & honorabili viro N.B. Milit', domino custod' magni sigilli illustrissimæ dominæ nostr. Reginæ Angliæ, Ad vram denominac' mandat' parat' O.H. & E.P. Ballivi dictæ dominæ nostræ reg. vill' suæ S. & A.M. clericus ad recogn' debitor' in eadem, accipiend' deputat. reverentiam & honorē denominac' vestræ: Significamus quod decimo die &c. An. regni regis Hen. vij. post conquestum Angl. &c, W.C. de villa de S. in com. S. gen. venit corā N.W. & H.W. tunc Ballivis villæ S. & cognovit se debere I.B. de S. Mercat' stapule Calic. &c. quas idem W.C. solvere debuit in festo P. prox' futur' & eas q̄ W. eidē I. nondum solvit ut dicit'. & quia præf. W. solution' sue termin quod I. non observavit, denominac' vram honorabiliter imiliter deprecamur quatenus prefat' W. ad dicti debiti sui solut' prefat' I. faciend', juxta formā statuti predict' compellere, vellet dominac' vestra.

Statute Staple.

Sect. 107. A Statute Staple is either properly so called, or improperly: A Statute Staple properly so called, is a bond of Record knowledged before the Maior of the Staple, in the presence of one of the two Constables of the same Staple, for which seale the fee is of every pound, if the sum exceed not a C.l' halfe a penny. And if it exceed a C.l' of every pound a farthing. And by vertue of such a Statute Staple the Creditor may forthwith after certificat thereof into the Chancery have execution of the body, lands, and goods of the Debtor, 17.E.3, c.9. And the Stat. Staple properly so called, is made as followeth.

A Statute Staple for Debt.

NOverint uniuersi p̃ presentes me I.H. de L. in Com̃ Suſſex armig' teneri & firmiter obligari I.A. in &c. Solvend. eidem I.A. aut ſuo certo attorn. hoc ſcript̃ oſtend', hered' vel executor̃ ſuis in feſto Purificat̃ beat̃ Mar̃ virginis proxim̃ futuro poſt dat̃ preſentium. Et ſi defecer̃ in ſolutione debiti predict', volo & concedo quod tunc currat ſuper me, hered' & executores meos pœna in ſtatuto ſtapul' debitis pro merchandiſis in ead' emptis recuperand', ordinat̃ & proviſ. Dat̃. xi. die Feb. anno reg. dominæ nr̃e Eliz. dei gratia &c. Sect. 108.

Note that if any Statute Merchant, or of the Staple, within foure monethes after the knowledging thereof, be not brought to the Clark of Recognisances, taken according to the Statute of 23 H.8. ca. 6. or his Deputy, and the true copie thereof there entred in the booke of the ſaid office, within vi. Moneths after the ſaid knowledging thereof, then is the ſame Statute by void against purchaſers of lands which otherwiſe ſhould be therby liable. 27. Eliz. cap. 4.

Of a bond, unproperly called a Statute ſtaple.

A Statute Staple improper, is a bond of Record founded upon the ſtatute of 23 H.8. cap. 6. of the nature of a proper ſtatute ſtaple, as touching the force and execution thereof, and knowledged before one of the chiefe Iuſtices, and in their abſence before the major of the Staple, and the Recorder of London, in this manner. Sect. 109.

NOverint univerſi p̃ preſent̃ nos A.B. & C.D. arm̃ tenet̃ & firmit̃ obligari [illegible] in C.l. ſterling Solvend eid' I. aut ſuo cert̃ attorn' hoc ſcript̃ oſtend', hered' vel executor̃ ſuis in feſto Paſ. proxim̃ futur̃ poſt dat̃ preſentiũ. Et ſi defecerim' (**if two or more be bound**) or ſi defecero (**if one only**) in ſolutione debiti pred', volo & cõced', *vel* volum' & concedim' q̃ currat ſup̃ me, hered' & executor̃ meos *vel*, ſup̃ nos & utrumq; vel quẽ libet nr̃um hered' & executores noſtros pœna in ſtatuto ſtapul' de debitis pro merchandiſis, in eadem emptis recuperand' ordinat̃ & proviſ. Datũ &c.

Conditions

Conditions of Obligations and *Recognisances.*

Sect. 110. HItherto have we shewed the severall formes of Obligations, Recognisances, and Statutes: And now forsomuch as there be sundry Conditions and Defesances made to defeat the same, It seemeth meet in this place to shew the formes of so many of them as seem necessary for our instruction in the making thereof, leaving the rest, which be almost infinite, to be made as occasion shalbe offered.

A Condition, Conditio, is therefore generally a rule, manor, or Law annexed unto mens acts, staying and suspending the same, and making it uncertaine whether they shall be or no. For a Condition is properly said to be, when any thing is referred to any uncertaine chance, which may happen, or not happen. But we omitting curiously to search out the diverse significations & manifold divisions thereof, will in this place only touch some such Condition as may concerne Obligations & Recognisances. A Condition of an Obligation or Recognisance is such an agreement of both the parties to the same, as stayeth and delayeth the effect thereof, untill the condition happen to be fulfilled: and is of sundry formes. But first we will handle such as concerne paiment of Money, or delivery of goods or other things.

A condition to pay a summe of Money at a certaine day.

Sect. 111. THe Condition of this Obligation is such, that if the within bounden A.B. his heires, executors, or administrators, or any of them do well and truly pay, or cause to be paied unto the within named C.D. or his certaine Attorney, executors or administrators, or some of them x. li. of lawfull English money upon the first day of October next insuing the date hereof, at, or in the south porch of the parish Church of R. in the said county of P. That then this present Obligation to be utterly void and of none effect, or else to stand, remaine, and be of full force, strength, power and vertue.

Note that such Conditions as be subscribed or written under the obligations upon the same side of the parchment or paper that the obligation is written upon, are commonly called Conditions, but such as be indorsed or written on the other side thereof are called Indorsements: and then is the same made in this sort.

The

THe Condition of the within written obligation is such, that if the within bound A.B. &c. to the within named C.D. &c. As next above, Sect. 112.

A condition of a Recognisance for the payment of money at two dayes.

THe Condition of this Recognisance is such, That if the above bounden H. G. his heires, executors, administrators, or assignes, or any of them doe well and truly pay or cause to be paid to the above named W. C. his executors or assignes or any of them, at or within the messuage or mansion house commonly called N. the place wherein M. A. widow now dwelleth, scituate and being in S. Martins le grand within the City of London, the sum of x.li. of lawfull English money in manner and forme following. That is to say, on the x. day of Nouember comming after the date above written, at the place aforesaid, between the houres of viij. of the clocke in the forenoone of the same day, and v. of the clocke in the afternoone of the same day, v. li. of lawfull English money, and the tenth day of February then next following, at the place aforesaid, between the hours aforesaid other v.li. That then this Recognisance to be void and of none effect. And if default be made in payment of the same x.li. or any part thereof, contrary to the order and forme aforesaid, then this present Recognisance to stand, remain, continue and be in full force strength, and vertue.

A Condition to pay money and deliver Wooll.

THe Condition &c. That if the within bounden R. S. &c. do well and truly content and pay, or cause &c. unto the within named R. G. at &c. the sum of x. li. of good &c. at the feast of &c. And also doe well and truly deliver or cause to be delivered unto the said R. &c. at the place aforesaid on this side the feast of &c. or within four dates next insuing after the said feast xl. stone of good, marchantable & perfect fleece wooll without tarre or locks, being well, cleane, and sufficiently washed and perfectly dryed, That then &c. Sect. 113.

A Condition for the farme of Kine, and delivery of them or money.

THe Condition &c. That where the within bounden A. C hath letten to farme to the within bounden C.B. three milch Kine for terme of seven yeares next insuing after the feast of &c. if the said C. his heires, executors or administrators, doe well and truly content and pay, or cause Sect. 114.

to be contented and paid unto the said A. C. his executors or assigns v.s. viij. d. of good English money yearely, and every yeare during the said terme, for the farme of the said iij. milch kine. And also in the end of the said terme, doe deliver or pay, or cause to be delivered or paied unto the said A. C. his executors or assignes, three good and able milch kine or else the sum of &c. for & in consideration of the said three milch kine so demised, at the election of the said A. C. his executors or assignes. That then &c.

A Condition to deliver sheepe or money and the farme.

Sect. 115. THe condition of this obligation is such, that where the within named W. W. hath letten to farme, & delivered into the hands and possession of the within bounden E. D. xl. good and sound Ewes, to have, hold, & to take the whole commodities and profits of the said xl. Ewes from the feast of &c. last past before the date hereof, for and during the whole time and terme of five yeares from thence, then next following, and fully to be ended, if the said E. his heires, executors, administrators, or assignes do content & pay, or cause to be contented and payed unto the said W. his executors or assignes 30. s. of &c. at the feast of &c. next coming, and so forth yearely, and every yeare at the same feast, &c. 30. s. for the yearely farme of the said sheepe during the whole terme of the said five years. And also at the same feast of &c. at the end of the said five yeares, which shall be in the yeare of our Lord God 1594. do deliver or cause to be delivered unto the same W. or to his certaine Atturney, executors or assignes xl. sufficient and good Ewes whole and sound, or else in recompence of the aforesaid sheepe ten pounds of lawfull &c. the said summe of money or sheepe to be received and taken at the election and free choice of the said W. his executors or assignes. That then &c.

A Condition to pay money, or knowledge a Statute Staple.

Sect. 116. THe condition &c. That if the within bounden W. A. his executors or assignes on this side the feast of S. within written, do well and truly content and pay, or cause to be payed unto the within named R. S. his executors or assignes C. li. of &c. at one whole and intire payment: Or else if the said W. A. on this side the said feast of S. shall by a certaine Obligation or recognisance of the nature of a statute of the Staple, or daine and provided for the recovery of debts sufficiently recognise and knowledge before the chiefe Justice of the Queens Court of the pleas of the Crowne to be holden, or before her Highnesse chiefe Justice of her Court of Common Pleas at Westminster in the Countie of Midd. him selfe to owe unto the said R. his heires, executors, or assignes, one hundred pounds of &c. to be paid unto the said R, or his certaine Atturney, his executors

executors, or aſſigns, at the feaſt of the Annunciation of the bleſſed virgin Mary, which ſhall be in the yeare of our Lord God 1593. That then &c.

A Condition to pay money by a day, or elſe to yeeld to an arreſt.

Sect. 117. THe condition &c. that if one I. W. of R. ſhall on the feaſt day of &c. which ſhall be in the yeare of &c. well & truly content and pay, or cauſe to be contented and payed to the within named E. C. his executors or aſſignes iiij. li. of &c. according to the tenor of a certain writing obligatory, bearing date &c. wherein the ſame I. ſtandeth bound to the ſaid E. C. Or elſe if the ſaid I. W. ſhall on the ſaid feaſt day of &c. in proper perſon come and repair unto the Guildhall of the Citie of N. and there ſhall remaine from x. of the clock &c. untill xii. of the clock at noone of the foreſaid feaſt day, ready to yeeld himſelf to be arreſted, to anſwer unto ſuch action and actions as ſhall be commenced againſt him at the ſuit of the ſaid E. upon the aforeſaid writing obligatory, That then &c.

A Condition to pay money for a Chaine of gold upon deſcent of lands to his wife.

Sect. 118. THe Condition &c. That where the within named I. C. hath given to the within bound T. H. one chain of gold, if the ſaid T. H. his executors or adminiſtrators, in conſideration & recompence of the ſaid Chaine, within one moneth next after any of the lands, tenements, or hereditaments, which late were the inheritance of one W. C. ſhall in the life of the ſaid T. H. remaine, deſcend, revert, or come to A. now wife of the ſaid T. H. by right of inheritance, or as heire to the ſaid W. C. doe pay or cauſe to be paid to the ſaid I. C. the ſumme of forty pound of good &c. That then &c.

A Condition to pay after eviction.

Sect. 119. THe Condition &c. That where the above bound I. A. hath lately bargained, granted, and ſold unto the above named R. C. and to his heires for ever, all that meſnage and a Garden thereunto adjoyning, and another Garden late &c. and a field called the Hall Garden, and a ſhadow, and a Croft called C. G. and other Hereditaments in T. above named, for the ſumme of &c. of lawfull money &c. as in a paire of Indentures thereof made between the ſaid parties, bearing the date hereof, plainly appeareth: If therefore the ſaid meſnage, lands, tenements, and other the premiſſes, or any parcell thereof, be at any time or times hereafter lawfully evicted, devеſted, or taken away from the poſſeſſion of the ſaid R. his heires, executors, or aſſignes, without any covin, deceit, or fraud, And after notice of ſuch ſaid eviction or taking away thereof

made to the said I. his heires, executors or administrators, at the Parish Church of B. aforesaid, by the said R. his heires, executors, administrators or assignes: Then if the said I. his heires, executors, or administrators, within one quarter of a year next after such notice given, do wel and truly content and pay, or cause to be contented, and paid unto the said R. his heires, executors, or assignes, at the Font stone in the Cathedrall Church of S. Paul in London, the summe of &c. of lawfull money &c. or as much of the &c. as the part or parcell of the said messuage, lands, tenements, or hereditaments, as aforesaid, so lawfully evicted or taken away, is now worth, after the rate of the foresaid bargaine or purchase, That then &c.

A Condition to pay money, after returne from R. &c.

Sect. 120. THe condition &c. That if the within bound T. T. his executors or assigns, or any of them, do pay, or cause to the paid to the within named W. C. his executors or assignes, or to any of them, the sum of &c. of lawfull &c. at one entire payment, within one moneth next after the return of the said W. from R. in the parts of Italie into England, and true notice thereof given by the said W. C. to the same T. T. That then &c.

A Condition to pay money at his returne from &c.

Sect. 121. THe Condition of this obligation is such, that whereas the within named D. S. is now minded to travel personally to the City or Towne of I. in the province or Country sometime called I. or to the place where the said Citie or Towne sometime was scituate and stood: if therefore the within bound A. B. his heirs, executors, administrators, assigns or any of them, shall well and truly content, satisfie or pay, or cause to be contented, satisfied or paied unto the abovesaid D. S. his executors, administrators or assignes, the summe &c. of lawful &c. within &c. next after insuing the day of the returne of the said D. S. into the realme of England, from the said place, and have lawfully proved, shewed and declared or published unto the said A. B. his executors &c. by certificat or testimoniall under the seale of the said city or town of I. or of the next city, towne, or place, having a common seale, unto the place where the said city or town of I. was scituate and stood, or under the seale of the state of the city of Venice in Italie, or by other sufficient or true prooves, that the said D. S. hath bin personally at the said city or towne of I. or at the place where the same towne or city sometime was scituate and builded. That then &c.

A

A Condition to pay money at his return, marriage, or death.

THe Condition &c. that where the within named N. S. hath bargained and ſold to the within bound H. B. one gold ring for the ſumme of 3. li. of good &c. if therefore the ſaid H. his heires &c doe well and truly pay or cauſe &c. unto the ſaid N. S. his executors or aſſignes, the ſaid 3. li. in manner and forme following, viz. at and upon the day of the comming or arriuall of the ſaid N. into I. from the city of R. or within ten dates, next after the ſaid arriuall, or at, and upon the day of the celebration of the mariage of the ſaid N. S. or at, or upon the day of the deceaſe of the ſaid N. viz. at the firſt of the ſaid dates or termes which ſhall next happen to come to paſſe, That then &c. Sect. 122.

A Condition to pay money, untill, and at marriage, or after death.

THe Condition of this obligation is ſuch, that if the within bounden G. P. &c. ſhall well and truly content and pay, or cauſe &c. to E. D. daughter of the within named I. S. or her aſſignes xx. s. ſterling yearely and every yeare at the feaſt of &c. untill the day of the mariage of the ſaid E. the firſt payment thereof to begin at the feaſt of E. within written. And alſo ſhall truly content and pay, or cauſe to be contented and paied to the ſaid E. or her aſſigns xl. li. of &c. at &c. upon the day of the mariage of the ſaid E. and if it ſhal fortune the ſaid E. to depart this world before ſhe be married, then if the ſaid G. P. his heires &c. or one of them ſhal truly content and pay, or cauſe to be contented and paied to the ſaid I. S. his executors or aſſignes, the ſaid ſumme of xl. li. within one moneth next after the deceaſe of the ſaid E. That then &c. Sect. 123.

A Condition to pay childrens parts.

THe Condition of this obligation is ſuch, that if the above bounden R. P. his heires, executors, adminiſtrators, or any of them, doe pay and deliuer, or cauſe to be paied and deliuered unto the above named M. E. P. and A. naturall children of the above named N. late of R. aforeſaid their late father deceaſed, their ſeverall filiall portions or childs parts, of the goods and chattels of their ſaid late father, according to the Inventory thereof. And alſo account and render unto them of all other their rights due unto them, or to any of them, by vertue of the laſt Will and Teſtament of their ſaid Father, when they come to lawfull age of xxj. yeares, or be married, or require the ſame. And alſo honeſtly, according to their degrees, educate and bring up the ſaid children during the time of their nonage, with meat, drink, apparell, and learning. And if it fortune any of the ſaid children to die before they come to a lawful age, or be married as is aforeſaid, then if the ſaid R. P. do content & pay the portiõ Sect. 124.

and other ſuch rights of him, her, or them ſo dying, to whom the law ſhall appoint the ſame to be paid, & which of right ought to have the ſame. And alſo ſave and keep harmleſſe the above named reverend father in God, maſter W. I. Commiſſary aboveſaid, and all other his officers and miniſters againſt all men by reaſon of the premiſſes, That then &c.

Conditions to pay a rent.

Sect. 125. THe Condition of &c. that where the within bounden A. F. hath lately taken in farme for the terme of vi. years of the within named C. D. one tenement, ſet and lying in the towne of W. &c. for the rent of xl.s. yearely to be paied, as in a paire of Indentures thereof made whoſe date is &c. plainely appeareth: that if the ſaid A. B. or his executors, doe well and truly pay or cauſe to be paied to the ſaid C. D. his heirs and aſſignes the foreſaid yearely rent of xl.s. at the daies and termes accuſtomed according to the tenor and effect of the ſaid indenture &c. That then &c.

A condition to pay an annuity and not to ſue a Replegiari &c.

Sect. 126. THe Condition of &c. that where the within bounden I. P. by his deed indented, bearing the date of this obligation, hath given and granted to the within named B. one annuity or annuall rent of x. li. of lawfull money of England, to be yearely payed, as in the ſaid deed indented plainly appeareth. If therefore the ſaid I. P. his heires, executors, or aſſignes, do well and truly content and pay, or cauſe to be contented or paied, the ſaid annuity or annuall rent, without ſuing any Delivery or Replegiari, for any beaſts, goods, or cattels at any time hereafter to be diſtrained for the ſame rent, or for any part thereof, and without making any reſcous of any diſtreſſe or diſtreſſes, thereof to be taken, and without any manner of incloſer, denier, fezeſtalling or other diſturbance or interruption of the ſaid I. P. his heires, executors or aſſignes, or of any other perſon or perſons by his or their procurement, aſſent, or agreement, That then &c.

A Condition to repay money received with a Prentice.

Sect. 127. THe Condition &c. That where one E. S. ſanne to the within named T. S. by his Indenture of apprenticehood, bearing the date hereof, hath put himſelfe apprentice to the within named S. after the manner of his Apprentice to dwell with, and ſerve him from the feaſt of S. Thomas the Apoſtle laſt paſt before the date of theſe preſents, untill the end and terme of eight yeares thence next inſuing, and fully to be compleate and ended, as by the ſame Indenture more plainly appeareth. And where alſo the ſaid T. S. the day of the date hereof hath paied and delivered unto

to T. S. the summe of xxx. pound of &c. to occupy and imploy the same to his owne use, during the said terme of eight yeares, if the said T. and E. so long do live, and the said E. doe so long dwell with him the said T. S. And where also the said T. S. by obligation bearing date &c. hereof standeth bound to the said T. S. for the payment of xx. pound of &c. to be paied to the said T. S. his heirs, executors, or assignes, the tenth day of &c. next ensuing after the date hereof, as by the same Obligation more plainely appeareth, to the intent that he the same T. may imploy the same to his owne use during the said terme, if the said E. and T. doe both so long live, and the same E. so long abide with the said T. Therefore if it fortune the said T. S. or the said E. or either of them doe die and decease within the said terme of eight yeares, or if the said E. within the same term of eight yeares shall happen to be set over to any other person or persons to serve out his yeares, or such part of the said terme as he shall then have to serve, or if the same E. doe depart from the service of the said T. his said master during the said terme, or if the said terme shall be expired: Then if the said T. his executors, administrators, or assignes within thirty dayes next insuing after such decease of the said T. S. or E. or from the setting over of the same E. or the departure of the same E. out of the service of the said T. as is aforesaid, or the expiration of the said terme of 8. yeares (which of them shall first chance to be done or be after the date hereof, do wel and truly pay or cause to be paid to the said T. S. his executors or assignes as well the said summe of xxx. li. as also the said sum of xx. li. of &c. without fraud, covin, or deceit. That then &c.

A Condition to deliver Fagots.

THe Condition &c. That if the within bounden F. M. his &c. doe wel Sect. 128.
and truly deliver, or cause to be &c. one thousand fagots of wood of Ash, Oke, or Elme, of able good stuffe, after the rate of x. hundred to the thousand, and five score foure fagots to every hundred, every fagot to containe in length foure foot and a halfe at the least, and one yard within the hoope, and to be well made, and full and sufficiently filed and bound, at, or within the doe the feast of &c. at the mansion house &c. That then &c.

A Condition to pill and fell wood, to make and deliver Fagots.

THe Condition &c. That where the within bounden J. C. the day of Sect. 129.
the date within written, for a certain summe of money to him by the within named E. M. at the insealing of these presents well and truly paid, whereof the J. C. acknowledgeth himselfe to be satisfied and contented, hath bargained and sold to the said E. M. all those his tenne Oakes, now standing and growing in little M. in the County of N. in a certaine

wood the parcell of a tenement there called C. as the said tenne Oakes is already marked, out of the said C. to be felled by the ground in barking time, the barke to be pilled from them, and the toppes of the said tenne Oakes to be made into Fagot wood, called halfe hundred wood, and other blockes meet for the fire, to be delivered to the said E. M. his executors or assignes, at the mansion house of the said E. within the said city of N. at the costs and charges of the said I. C. his executors or assignes, before the feast of P. &c. Therefore if the said I. C. his executors or assignes, at his or their proper costs and charges, before the said feast of P. shall fell, or cause to be felled hard by the ground in barking time the said tenne oaks, And shall pill the barke from them to the most advantage of the said C. his executors or assignes. And make, or cause to be made all and singular the tops of the said ten oakes, into good and sufficient fagot wood called halfe hundred wood, and other blocks meet for the fire. And over that, if the said I. C. his executors or assignes, at his or their like proper costs and charges, before the said feast of P. shall deliver, or cause to be delivered to the said E. M. his executors or assignes, at the mansion house of the said E. within the city of N. aswell all and singular the bodies of the said ten oakes, and every of them, with the barke from them to be pilled, as also all and singular the said fagot wood, called halfe hundred wood, and other blocks, comming and arising of the tops of the said ten oakes, and every of them, That then &c.

A Condition to deliver Codd Fish.

Sect. 130. THe Condition &c. That where the within bounden T. B. hath bargained and sold unto the within named W. R. one thousand Codde fish, commonly called Iseland Codde fish, good and merchantable, and well and sufficiently salted and dried, to be elected and chosen out of the Fish that shall be brought from Iseland in any of the three ships of the said T. B. which be called by any of these names, viz. &c. to be cast out after the use and order in that behalfe used: that is to say, all skins &c. And an hundred of that worst Codde fishes to be cast out of the thousand, over and besides the thousand remaining. If therefore the said T. B. his executors administrators, or assignes, at, or on this side the feast of S. B. the Apostle within written, do well and truly deliver, or cause to be delivered unto the said W. R. his executors, or assignes, at a certaine place called &c. one thousand Codde fish of good stuffe, and merchantable, well and sufficiently salted and dried, to be chosen out of any of the aforesaid fish, or out of the said three ships, by the said W. his executors or assignes, and to be cast out after the order above prescribed, according to such manner and use, as in that behalfe is used amongst fishermen or mariners, and according to the true meaning hereof, That then &c.

A condition to deliver a laſt of Salmon.

THe Condition &c. That where the within bounden W. W. the day of the date within written, hath bargained and ſold to the within named H. H. one laſt of Salmon, accompting twelve barrels for a laſt, good, ſalt, ſweet, and merchantable, to be truly packed in barrels of Aſſiſe of the great bound, for the which laſt of Salmon, the ſaid H. knowledgeth himſelfe truly to be ſatisfied, contented and paid, if the ſaid W. W. his executors or aſſigns, well and truly, without any delay, deliver or cauſe to be delivered to the ſaid H. H. or to his aſſigns, by the feaſt of S. Peter within written, the ſaid laſt of Salmon, good, ſalt, red, ſweet, and merchantable, franke and free at London, That then &c. Sect. 131.

A condition to deliver Oyles.

THe Condition of this Obligation is ſuch, that if the within bounden R. at any time before the feaſt of S. Michael the archangell next coming after the date &c. deliver, or cauſe to be delivered unto the within named W. R. his executors, adminiſtrators or aſſignes, at, or in the now meſſion houſe of the ſaid W. R. ſcituate in the ſaid city of L. ten Tuns of Oyle, civill, good, ſweet merchantable, full, and well bound accordingly, That then &c. Sect. 132.

A condition to deliver Lead.

THe Condition &c. That if the above bounden J. H. his executors or aſſignes, do well and truly deliver, or cauſe to be delivered to the above named F. R. his executors or aſſigns, upon the ſecond day of May next inſuing the date hereof, ten foothers of good, pure, and merchandizable boole Lead, of the weight commonly called the boole weight, moſt commonly uſed within the County of Derby, that is, after the rate and weight of thirty foot to the foother, every foot to containe ſix ſtone, and every ſtone to containe fourteen pounds at his Boole hill at Hardwicke in the ſaid County of D. where commonly he uſed to burn his lead, that then &c. Sect. 133.

A condition to deliver ſalt, or pay money.

THe Condition &c. That if the within bounden R. & J. their &c. ſhal deliver to the within named A. R. his &c. viij. ſcore weighs of Bayſalt, good, and merchantable, after the rate of twenty one for twenty, or if the ſaid R. or J. their heirs or executors, doe not deliver, or cauſe to be delivered to the foreſaid A. and R. &c. before the ſaid feaſt of All Saints, the ſaid eight ſcore weighs of ſalt, in manner and forme aforeſaid: Then if the Sect. 134.

the ſaid R. and I. their heirs or executors pay to the above named A. R. &c. for and in conſideration of the ſaid eight ſcore weights of bay ſalt, in the feaſt of &c. three ſcore li. of &c. That then &c.

A Condition to redeliver Plate lent.

Sect. 135 THe Condition &c. That whereas the above bounden W. W. hath lent and delivered unto the above bounden I. P. certaine parcels of ſilver-Plate hereafter mentioned, weighing 228. ounces and a halfe Haberdebois weight, of the value of 68. pounds, and 10. s. of lawfull Engliſh money, after the rate of 6. s. for every ounce of the ſame weight as particularly hereafter followeth: that is to ſay, one livery Can guilt, weighing 44. ounces and a halfe, one other livery Can guilt weighing 42. ounces and a halfe, one other drinking Can &c. If therefore the ſaid I. P. his executors or adminiſtrators, or any of them doe within ten dates next inſuing the date hereof well and truly redeliver, or cauſe to be redelivered unto the ſaid W. W. or his certaine Attorney, executors, or adminiſtrators, or ſome of them, in the Hall of &c. All the ſame parcells of Plate, in ſuch and ſo good plight, manner and forme in all reſpects as he the ſaid I. P. or any other perſon or perſons, for him, or to his uſe, or by his appointment, hath or ſhall receive the ſame, That then &c.

A Condition to deliver corne.

Sect. 136. THe condition &c. That if the within bounden I. S. well and truly deliver, or cauſe to be delivered unto the within named I. M. his &c. twenty quarters of wheate, white, and red, ſweet, cleane, drie and merchantable with the beſt, on this ſide the feaſt of &c. That then &c.

A Condition for the delivery of corne.

Sect. 837. THe Condition of this Obligation is ſuch, that if the within bounden I. D. his executors, or adminiſtrators do well and truly deliver, or cauſe to be delivered to the within named B. G. his certaine Attorney or executors at the manſion houſe of the ſaid B. G. within the city of N. ten Combes of Rie, able good ſtuffe, merchantable, fair, cleane, and by a lawfull buſhell meaſured, & alſo ten combes of malt like ſtuffe, merchantable, cleane, fine, and by a lawfull buſhell meaſured, after the accuſtomed meaſure in the ſaid City of N. in manner and forme following: that is to ſay, on this ſide the feaſt of the Nativity of our Lord God the ſaid ten combs of Rie. And on this ſide the feaſt of E. then next following the ſaid ten combs of Malt, after the rate and meaſure aforeſaid, That then &c.

A

A Condition to deliver coales.

THe Condition &c. do deliver, or cauſe &c. T. C. his &c. at a certaine place in the ward of C. within the city of L. cõmonly called & knowen by the name of the common Wharfe, xx. Chaldrons of Coales, commonly called New-caſtle, or ſea-coales, well and truly meaſured, and as good, great, and large meaſure, as is commonly made and delivered at the Key ſide in great Yarmouth, of very good, able ſtuffe, and merchantable with the beſt, on this ſide the feaſt of &c. What then &c. Sect. 138.

A Condition to carry coales.

THe Condition &c. That if the above bounden T. C. his executors or adminiſtrators, or any of them, at his and their only proper coſts and charges, doe lead, carry, bring, and deliver, or cauſe to be led, carried, brought, and delivered to the ſaid W. W. his executors &c. xl. good and ſufficient waine loads of ſea coales, every load thereof containing one whole rudge of coales, or more, from the coale-pits, commonly called R. coale-pits, in the Lordſhip of R. aforeſaid to the now dwelling houſe of the ſaid W. W. in R. aforeſaid, at the ſeverall times hereafter expreſſed, that is to ſay, x. loads of the ſaid xl. loads parcell, before the feaſt of Pentecoſt next inſuing the date hereof, and other xx. loads of the ſaid xl. loads before the feaſt of S. Michael the archangell now next inſuing, & other ſix loads of the ſaid xl. loads before the ſaid feaſt of S. Michael the Archangell, which ſhall be in the yeare of our Lord 1597. And other foure loads of the ſaid xl. loads reſidue, before the ſaid feaſt of S. Michael, which ſhall be in the yeare &c. That then &c. Sect. 139.

A Condition to ſeale an Obligation with a ſurety.

THe Condition of this Obligation is ſuch, that if the within bounden T. T. his heires, executors, or adminiſtrators, and one other good, able, and ſufficient perſon with the ſaid T. S. on this ſide of the feaſt of &c. do ſeale, and as their deeds ſufficient in the law, deliver unto the within named J. C. his executors or aſſignes, one good, lawfull, and ſufficient inſuing Obligatory in the Law, wherein the ſaid T. S. and the other good, able, and ſufficient perſon, and their heirs, executors &c. and every of them ſhall be and ſtand bound joyntly and ſeverally unto the ſaid J. C. his &c. in the ſumme of 100. markes of good Engliſh money, indorſed with condition in due order and forme of law, for the true payment of xl. li. of like money, to be paied unto the ſaid J. C. his executors or aſſignes, in manner and forme following: that is to ſay, at the feaſt &c. x. li. at the feaſt of &c. then next inſuing x. li. and ſo from thenceforth yearely, and every Sect. 140.

very yeare then next and immediately following, at the feast of &c. x.li. like money, untill the said xl.li. be fully satisfied and paid. That then &c.

Sect. 141. *A Condition to cause one to seale an Obligation.*

THe Condition &c. That if the within bounden I. C. before the feast of N. next comming after the date hereof, cause W. C. &c. to be bound by his writing obligatory sufficient in the law, and with his seale insealed unto the within named T. in xl. pound, of &c. to be paied the x. day of A. &c. And also before the said feast, cause the said W. to deliver the same Obligation for his deed unto I. K. of H. to the use of the said T. That then &c.

A Condition to release &c.

Sect. 142. THe Condition &c. That if the within bounden B. C. do cause I. P. & E. his wife, before the feast of Easter next comming at the costs and charges in the law of the said B. by their sufficient deed in the law, to release, remit, and quite claim, to the within named C. D. &c. and their heirs all their right, title, dower, and interest, which the said I. P. and E. his wife, or either of them, have, had, or may have, of, and in all such lands tenements &c. That then &c.

A Condition to make a Iointure.

Sect. 143. THe Condition &c. that if the within bounden W. R. &c. or his heirs at their own proper costs and charges, before the feast of C. nert after the date within written, make, or cause to be made unto A. B. &c. a good, sure, sufficient, and lawfull estate in the law, of, & in all and singular those lands, tenements, &c. with the appurtenances in the city of L. of the yearly value of x. li. &c. over and above all charges and reprises. To have and to hold all the said lands and tenements with the appurtenances unto the said A. B. &c. for term of the life of M. G. to the use of the same M. G. and to her assigns for term of her life, the which M. by the grace of God, shall marry and take to husband the said W. R. And also if the said W. R. after the said estate, of, and in the lands and tenements afore rehearsed, do infer and cause to be done, all and every such thing and things, as shalbe advised by the learned counsell of the said A. B. C. D. &c. their heires and executors, to make the aforesaid state sure to the abovenamed A. B. to the use of the same M. for terme of her life, be it by recovery, fines, feoffements, release, confirmation, and deeds, inrolled with warranty, or without warranty, or any of them, or otherwise, That then &c.

Condition to make an Estate.

Sect. 144. THe Condition &c. That if the within bounden C. W. or his heires, within 16. daies &c. do make and deliver, or cause to be made and delivered unto the within named T. H. and his heires, a good, perfect, sure and

and lawfull estate in fee simple, of, and in three rods of free land in C. called R. to the only use of the said L. H. his heirs and assigns for ever, and also if the said W. or his assignes, shall not impaire any of the premisses, by selling of any wood or timber, or otherwise before or after the making of the said estate, That then &c.

A Condition to make a Joynture.

THe Condition &c. That where the within bounden I. C. by the grace Sect. 145.
of God, shall marrie and take to wife C. E. daughter of the within named R. E. If therefore the said I. C. his heirs or assigns, within the terme of one year next after the date within written do convey and assure or cause &c. unto the within named R. E. and M. E. or their heirs, so much lands, tenements, and hereditaments lying in the county of N. as then at the assurance making, shall be, and so continue to be of the yearely value of &c. by yeare, over all charges and reprises: To have and to hold the said lands, tenements, and hereditaments unto the said R. E. and M. E. and their heires to the use of the said I. C. and C. E. and their heirs for ever. And also if the said I. C. or his heires within 6. yeares &c. shall purchase so much other lands and tenements, as shall amount to the value of 30. pounds of good &c. and shall make the like conveiance and assurance of them to the said R. and M. and their heirs, to the use aforesaid, That then &c.

A Condition for further assurance.

THe Condition &c. That where the within bounden W. R. for and in Sect. 146.
consideration of a certain summe of money to him paied by the within named R. E. hath bargained & sold unto the said R. all that messuage &c. with the appurtenances late &c. If A. E. of N. Mercer, and C. his wife, late daughter of the said R. N. and the heires of them, and every of them, within the space of &c. shall doe and suffer, or cause to be done and suffered, all and every thing &c. whatsoever, which shall be devised, advised, or required of the said W. his heirs or executors, by the said R. E. his heirs or assignes, or the learned counsell of the said R. his heires or assignes, at the costs and charges in the law of the said R. his heirs or assigns, for the good and perfect conveying and assuring of all and singular the said messuages and premisses with the appurtenances, to be made sure and perfect to the said R. E. his heirs and assigns, to the onely use of the said R. his heirs and assignes for ever, be it by fine, feoffement, deed, or Indenture, recovery with voucher or vouchers, confirmation, release with warranty, only against the said W. R. and heires, or by any other way or means whatsoever &c. And &c. (As in Conditions to save harmeless) that then &c.

A

A Condition for making of a leaſe.

Sect. 147. THe Condition &c. That if Sir I. C. Knight, his heires or aſſignes, before the feaſt of S. Michael the Archangel nert inſuing the date hereof, cauſe or procure R. N. of &c. to ſurrender, cancell, and to make fruſtrate one Indenture of Leaſe to him made by the ſaid Sir I. of 4. cloſes, lying &c. & of al other the grounds, tenements, and hereditaments, mentioned & erpreſſed in the ſaid Indenture of Leaſe. And moreover if the ſaid Sir I. his heirs or aſſignes doe before the 11. day of Octob. nert inſuing make, ſeale, and deliver unto the above named, R. C. his executors or aſſignes, one good and ſufficient leaſe by indenture of the ſaid 4. cloſes, & of all and ſingular other the lands, tenements, and hereditaments contained in the ſaid former Indenture of Leaſe, for the term and ſpace of 21. yeers to begin and take effect from the feaſt &c. with a clauſe of reſervation of the yearly rent of 20. s. to be inſerted in the ſaid Indenture: The ſame Leaſe, grounds, cloſes and premiſſes, to be then diſcharged of all former leaſes, charges, bargaines, and incumbrances, had, made, or done by the ſaid Sir I. his heires and aſſignes. And laſtly, if the ſaid Sir I. his heirs and aſſignes and every of them, doe from time to time, and at all times after the ſaid feaſt of S. Michael the Archangell, within the time & ſpace of five yeares nert inſuing the date hereof, execute, ſuffer, and make, or cauſe &c. all and every ſuch further act and thing &c. that then &c.

A Condition to performe an Exchange.

Sect. 148. THe Condition &c. That where the above bounden H. W. hath given and granted in exchange to the above named I. W. all thoſe &c. all which are contained and certainely erpreſſed in one Indenture of the date of theſe preſents made between the ſaid H. W. &c. as by the ſame more at large it appeareth. If therefore the ſaid H. W. do not at any time hereafter diſagree from the ſame exchange, nor doe not hereafter ſuffer to be done, any thing or act whereby the ſaid exchange ſhall or may be made void or fruſtrate: And further, doe cauſe & procure all and every heire and heires apparant of the ſaid H. being of the full age of &c. to ratifie, confirme, and make perfect for ever the ſaid exchange within one &c. nert after ſuch heire or heires apparant ſhall accompliſh the ſaid age, That then &c.

A Condition to reinfeoffe.

Sect. 149. THe Condition &c. That whereas the within named H. A. by his deed of feoffement, hath given, granted, and confirmed, and delivered unto

unto the above bounden E. T. all that manor, capitall meſuage, tenements, and farme, called or known by the name of D. with all and ſingular the appurtenances, and alſo all other the meſuages, lands, tenements, and hereditaments whatſoever, which now be, or late were accepted, reputed, uſed, known, or letten, to, with, or as part, parcell, or member of the ſame manor, tenement, or farme, with the rents, reverſions, and ſervices to the ſame belonging or appertaining. And all thoſe lands, tenements and hereditaments, in H. in the ſaid County of E. To have and to hold to the ſame E. his heires and aſſignes, as by the ſaid deed of feoffement it may more plainely appeare, if the ſaid E. or his heires, before the firſt day of &c. next inſuing the date hereof, ſhall make or cauſe to be made, at the coſts and charges in the law of the ſaid H. A. ſuch ſure and lawfull eſtate in fee ſimple, without condition or morgage, to the onely uſe of the ſaid H. A. his heires or aſſignes, for ever, of, and in the ſaid manor, chiefe meſuage, tenement, farme, and all other the premiſſes with their appurtenances, as is or ſhall be deviſed or adviſed by the ſaid H. his heires or aſſignes, by the Counſell learned of any of them. And alſo if the ſaid manor, and all other the premiſſes, and every part thereof, at the time of the ſaid eſtate and other aſſurance thereof made, ſhall be clearely exonerated and diſcharged of all former bargaines, ſales, charges, and incumbrances whatſoever, had, made, done, procured or ſuffered to be done by the ſaid E. T. (the title of dower of S. the wife of the ſaid E. only excepted.) And alſo if the ſaid E. T. and S. now his wife, and all and every other perſon and perſons now having any right or title, in, or to the premiſſes, by, or from the ſaid E. T. from time to time, and at all times hereafter, within the ſpace of 15. years next inſuing the date hereof, when & as often as they or any of them ſhall be thereunto reaſonably required by the ſaid H. his heirs or aſſignes, ſhal at the coſts & charges in the law of the ſaid H. A. his heirs or aſſignes, do, make, knowledg, and ſuffer to be done, all and every ſuch act or acts, thing and things, for the more better and further aſſurance of the premiſſes to be had and made ſure to the ſaid A. his heires, and aſſignes, as by the counſell learned of the ſaid H. A. his heires, executors, or aſſignes, ſhall be reaſonably deviſed or adviſed, be it by fine, feoffment, releaſe with warranty, or otherwiſe. And alſo if the ſaid E. T. ſhall for ever hereafter acquit, diſcharge and ſave harmeleſſe, aſwell the ſaid H. A. his heires and aſſignes, as the premiſſes, and every part thereof, for and concerning ſuch intereſt, dower, and title of dower, as the ſaid S. now the wife of the ſaid E. ſhall or may have, in, or to the premiſſes, by or after the death of the ſaid E. T. That then &c.

A

A condition to grant an Annuity.

Sect. 150. THe Condition &c. That if the within bounden W. B. and F. B. or one of them, or the heires, executors, administrators of any of them, on this side the feast &c. do duly and lawfully grant, convey and assure, or cause &c. unto one C. H. of &c. and M. his wife, by good and sufficient assurance in the law, one yearely rent or annuity of x. li. by the yeare, to be going and issuing out of the lands and tenements of the said W. B. and F. B. in C. &c. within the county of S. now being, and which hereafter for ever shall continue and be of the cleere yearly value of xx. li. of &c. over all charges and reprises, of which said lands, and tenements the said W. and F. or one of them at the time of the said annuity granting and assuring, shall be lawfully by good, lawfull and sure interest, and title, sole seised in their demesne, as of fee, to their owne uses, without any condition or limitation which may alter or determine the same: The said rent or annuity to be paid unto the said C. M. his wife, or to one of them, and to the longer liver of either of them, at the feasts of &c. by even portions. To have, hold, receive, and injoy the said annuity or annuall rent of x. unto the said C. and M. and their assignes, and to the longest liver of them at the feasts aforesaid, by even portions yearely and every yeare during the naturall lives of the said C. and M. and the longer liver of either of them. And also if the said W. and F. or one of them at the said assurance making, shall have full power, right, and lawfull authority, to convey and assure the said yearly rent or annuity to be issuing out of the said lands and tenements aforesaid, unto the said C. and M. his wife, and either of them, and the longer liver of them. And also if the said W. F. or one of them at the said granting and assurance of the said annuity, shall and will thereby charge the said Lands & Tenements with a sufficient clause of distresse, that if the said rent and annuity, or any part thereof, shall be at any time behind when it ought to be paied: That then it shall and may bee lawfull unto the said C. and M. and every of them, and the longer liver of either of them, to enter in and upon the lands and tenements aforesaid, and there to distraine, and the distresse and distresses there so found, to take, leade, drive, chase and carry away, and with them and either of them, and the longer liver of them, to withhold and detain, untill the said C. and M. and the longer liver of them, shall be of the said yearely annuitie of xx. li. and also of xl. s. in the name of a paine for every such default of payment, together with the arrerages thereof, if any shall happen to be, fully satisfied and paid. And also if the said W. and F. or one of them at the said granting and assuring of the said rent or annuity, as is aforesaid

ſaid, ſhal be and ſtand lawfully ſeiſed of the lands and tenements whereof the ſaid rent or annuity ſhall be ſo iſſuing or limited to iſſue, as is aforeſaid in their demeſne as of fee to their own uſes, without any condition or limitation by good, lawfull, ſure intereſt, and perfect right and title, diſcharged or ſaved harmleſſe for ever, of, and from all manner, charges, incumbrances, except the rents and ſervices to be &c. and except the ſaid rent or annuity, That then &c.

A condition to ſurrender cuſtomary lands.

Sect. 151.

The Condition &c. is ſuch, That where the within bounden I. R. hath bargained and ſold to the within named T. L. all that his meaſe with the edifices, and foure acres and a halfe of arable land &c. with all their appurtenances &c. To have and to hold the ſaid tenements and premiſſes, to the ſaid T. and to his heires, at the will of the Lord and Lords of the manor whereof the ſame bin holden, after the cuſtome of the ſaid manor or manors whereof they be parcell, if the ſame I. R. at the next Court or Courts to be holden at the ſame mannour or mannors, doe ſurrender and yeild into the hand of the Lord or Lords of the ſaid manor for the time being, all his right &c. to the uſe of the ſaid T. and his heirs, in ſuch wiſe as the ſame T. or his heires ſhall and may be admitted tenants of the ſame, to hold the ſame to them and to their heires, at the will of the Lords aforeſaid, after the cuſtome of the ſaid mannors. And alſo if the ſaid I. or his heires ſhall at all times hereafter diſcharge the premiſſes of all former bargaines, ſales, jointures, dowres, rents, fines, forfeitures, paines, and amerciaments, and other charges, had, done, cauſed, or made, at any time or times before the ſaid ſurrender, That then &c.

A condition to make a Boat.

Sect. 152.

The Condition &c. That if the above bounden I. P. and I. B. their executors or aſſignes, or any of them, do, ſhall, and will well and truly worke and make, or cauſe to be well and truly wrought and made, at the only proper coſts & charges of the ſaid I. and I. their executors or aſſignes, one good, ſufficient, and perfect boat called a Catch, to, and for the onely proper uſe and behoofe of the above named S. S. And the ſame boat or Catch, do, and ſhall worke and make in greatnes and goodneſſe, both in length & breadth, & burthen, like unto a certaine boat called a Catch of A. P. now already made & wrought, & the ſaid boat or catch do and ſhal make harder in the bottome of the ſame, the the ſaid boat or catch of the ſaid A. P. now is, by the quantity of one hand breadth, & do, and ſhal worke & make the ſame of good, ſubſtantiall, & ſeaſonable timber wood, & all other ſtuffe requiſite & neceſſary for the making thereof, and of ſo good workmanſhip

in all points and properties, and to all purposes and intents, as the said boat or catch of the said R. P. now is made & wrought of, without all covin fraud, and deceit. And the said boat or catch, well, sufficiently, and perfectly wrought and made, as is aforesaid, do and shall well and truly deliver or cause to be delivered before the xv. day of I. &c. at P. in the said county of N. to the said S. S. his executors or assigns, without further delay: So that the said S. S. his executors or assigns, or any of them do at and upon the delivery of the said Boat or Catch, well and perfectly wrought and made, as is aforesaid, content and pay, or cause to be contented and paid to the said I. M. and I. B. their executors &c. the just and whole summe of vi. li. &c. That then &c.

A condition to make an estate of lands by Fine.

Sect. 178. The Condition &c. That where the above bounden W. P. hath received of the within named R. L. the summe of &c. if the said W. P. and M. his wife in consideration of the said sum of &c. before the feast of do make a sufficient and lawfull estate in the law in fee simple by fine due forme of law, to be levied at the costs and charges of the said R. L. to I. L. and W. L. of, and in the lands and tenements in H. in the county of N. being of the inheritance of the said M. and of the yearely value &c. to the intent that the said I. L. and W. L. shall by the same fine, grant and render againe the same lands and tenements to the said W. P. during their lives, without fraud, impeachment of waste, the remainder after the decease of the said W. and M. to E. the wife of the said R. L. daughter of the said W. and M. for terme of her life, and after the decease of the said E. the remainder to the said R. L. and to the heires &c. And also if the said W. P. before the said feast of &c. make a lawfull grant to the said R. L. of all his whole terme and interest for yeares, which the said W. P. hath of the demise and lease of our Soveraign Lord the King in the west grange, lately belonging to &c. That then &c.

A condition to make reparations and fences.

Sect. 179. The Condition &c. That where the above named W. H. hath and holdeth, or hereafter shall have and hold one messuage, xx. acres of arable land, and one acre of meadow, in L. and S. in the county of C. for certaine yeares yet enduring, for a certain yearly rent, the remainder or reversion thereof belonging unto the said W. B. and A. his wife, and the heirs of the said W. B. as by a certaine fine knowledged before S. E. K. knight, Lord chiefe Justice of the common Pleas at Westmin-

eſſoyne the Queens Majeſties Juſtices of the ſame Bench, of the ſame premiſſes, for that purpoſe, in the ſame terme of S. Trinity laſt paſt, upon grant and render, plainly appeareth. If therefore the ſaid T. H. his executors, adminiſtrators, or aſſignes and every of them, at his or their owne proper coſts and charges, ſhal at all times hereafter during the continuance of the ſaid terme of yeares, in the ſaid fine expreſſed, well and ſufficiently make, repaire, ſuſtaine, maintaine, and uphold, all the houſes, edifices, walles, pales, hedges, fences, ditches, and watercourſes, and buildings, in, and upon and about the demiſed premiſſes. And in the end of the ſame term leave the ſaid houſes and buildings ſo ſufficiently repaired, ſuſtained, maintained and upholden, and the ditches, watercourſes, hedges, and fences, well and ſufficiently amended, ſcoured, and made. And alſo if the ſaid T. H. his executors, adminiſtrators, or aſſignes, and every of them, ſhall during the terme aforeſaid, pay and beare all ſubſidies, outrents, taxes, and all other charges whatſoever, iſſuing out, of, or from the premiſſes, or any part thereof, and thereof diſcharge and ſave harmleſſe the ſaid W. G. and his wife, and the heires of the ſaid W. That then &c.

A condition for the warranty of Woad, or other like thing.

THe Condition &c. that where the within bounden F. hath bargained Sect. 155.
and ſold, and delivered to the within named R. one thouſand Wales of Thoulouſe woad, of the marks of four knots every Wale, and hath promiſed and warranted unto the ſame R. that every ſet of the ſame woad ſhall make, when it is ſet and proved, foure pound &c. if it be ſo that every ſet of the ſame woad when it is ſet and proved, make the ſaid warranty of 4. li. ſterling &c. Or if any ſet of the aforeſaid woad (reckoning three hundred to a ſet) make not when it is ſet & proved the ſaid warranty of 4 li. ſterling. And then if the foreſaid F. from time to time, upon due knowledge thereof to him made and given by the foreſaid R. or by his aſſigns do wel and truly deliver, or cauſe to be delivered to the ſaid R. or to his certaine attorney, or to his executors, at the Bridge foot in the city of L. as much Thoulouſe woad of the goodneſſe and warranty aforeſaid, after 16. s. ſterling for every ſuch hundred weight thereof, as ſhall lacke in any ſet of the foreſaid warranty of 4. li. ſterling, That then &c.

A condition to warrant the ſale of a ſhip.

THe Condition &c. that where the within bounden A. B. ſold unto the Sect. 156.
within named C. D. a certaine ſhip called the &c. of C. and all manner

ner of battell inſtruments, furniſhments, and apparell of the ſame ſhip with the appurtenances, for a certain ſum of money between them accorded, as in a bil of ſale thereof made plainly doth appeare, if the ſaid C. D. well and peaceably may have, hold, injoy, and poſſeſſe to him, his heires and aſſignes, all the ſaid ſhip, battell inſtruments, apparell, and appurtenances aforeſaid, without contradiction, let, or diſturbance of any perſon or perſons, by reaſon of any lawfull claime or intereſt in the ſame before the date of theſe preſents had or made, according to the tenor and effect of the ſaid bill, That then &c.

A condition to injoy lands quietly.

Sect. 157. THe Condition &c. that if the within named A. may have, hold, and peaceably poſſeſſe to him and to his heires and aſſignes, for ever, all thoſe five meſuages with the appurtenances, which ſometime were the within bounden W. H. without any diſturbance, let, interruption, eviction, expulſion, impleading, moleſting, veration or griefe, either of or by the ſaid C. his heirs, or any other perſon or perſons whatſoever, having or pretending any manner right, title, uſe, claime, or intereſt, of & in the ſaid five meſuages, or any part or parcell of the ſame. That then &c.

A condition peaceably to injoy corn or graſſe.

Sect. 158. THe Condition &c. That where the within bounden R. C. by his writing indented, bearing date the day of the date hereof, amongſt other things hath bargained and ſold unto the within named I. C. all his Barley growing upon xx. acres of land, parcell of the Manno^r late of C. And the Peaſe and Fetches growing upon &c. parcell of the ſaid manno^r, and the graſſe growing upon all the meadow grounds belonging to the ſaid manno^r, and the hempe growing upon two hempe lands parcel of the ſaid manno^r, containing by &c. as by the ſaid writing indented more evidently appeareth. If the ſaid I. C. his executors and aſſignes, ſhal or may peaceably and quietly fell, carry away, have, hold, and injoy, to him, his executors and aſſignes for ever, all the ſaid corne, graſſe, and hempe, without any lawfull let, interruption, diſturbance, trouble, or vexation of any perſon or perſons, That then &c.

A condition peaceably to injoy lands.

Sect. 159. THe condition &c. That where the within bounden T. S. and M. his wife, by their deed of feoffement indented, bearing date &c. have executed and made an eſtate unto the within named W. F. and C. his wife of a certaine tenement, and the moity of a well in N. in the &c. as by the ſame deed it doth and may appeare, if the ſaid W. and C. and the heires & aſſigns of the ſaid W. ſhall and may for ever hereafter, have, hold and

and inioy all and ſingular the premiſſes, and every part thereof, according to the tenor, forme, & effect of the ſame deed indented, diſcharged, or otherwiſe ſaved harmeleſſe for ever, of and from all manner of charges, troubles and incumbrances, had, made, done, or ſuffered by the ſaid T. and M. or either of them, the rent and ſervices from thenceforth to be due or payable for the premiſſes, or any part thereof, to the chiefe Lord or Lords &c.

A condition to ſuffer one to enioy lands recovered.

THe condition &c. That if the within bounden Sir W. P. his executors, adminiſtrators, and aſſignes, and every of them, do permit and ſuffer the within named S. M. his heires, executors, adminiſtrators, farmers, tenants, and aſſignes, and every of them, peaceably and quietly to have, hold, occupy and inioy, without let, diſturbance, vexation or interruption of the ſaid S. W. P. his &c. the manor of C. in the tenure and occupation of the ſaid S. M. and which lately belonged to the chantry, Prouoſtrie, or Colledge of C. in the ſaid county, and which one I. C. gentleman lately recovered, amongſt other lands and tenements, by a writ of Entre ſur diſſeiſin en le poſt againſt E. A. Clerke, late Prouoſt of that ſaid Chantry, Prouoſtry, or Colledge of C. aforeſaid, according to the true meaning, effect, and intent of a paire of Indentures of award, indented and made betweene the right honourable S. T. A. Knight, and S. E. P. K. bearing date &c. And alſo if the ſaid W. P. do yearely for ever acquit and diſcharge the ſaid S. M. and his heires, of and from all ſuch tenths as ſhall be payable and demanded on the behalfe of our Soveraine Lady and her ſucceſſors, of, in, or for the ſaid manors, lands, and tenements, That then, &c. Sect. 160.

A Condition to ſave harmeleſſe.

THe Condition of &c. That where the within bound W. D. hath bargained and ſold to the within named I. T. all thoſe his meſuages, lands, tenements, and hereditaments, both freehold and Copihold in P. L. C. and R. in the county of M. which W. D. deceaſed, Father to the ſaid W. or any other to his uſe, were ſeiſed of, as by an Indenture made thereof bearing date &c. more plainly it doth and may appeare, if the within bound D. his heires, executors, and aſſignes ſhall from henceforth, from time to time acquite, diſcharge or ſave harmeleſſe, as well the ſaid lands, tenements and hereditaments, & every parcell thereof, both freehold and copyhold, as alſo the ſaid I. T. his heires & aſſignes, againſt E. the late wife of the ſaid W. D. deceaſed, and againſt all other perſons for, and for the dower, title, eſtate & intereſt of dower, which the ſaid I. late wife of the ſaid W. D. deceaſed, hath or is intituled, or ought to have, of, in Sect. 161.

and to the said lands and tenements, and all other the premisses, or any parcell thereof, That then &c.

A Condition that lands be discharged.

Sect. 162. THe Condition &c. That whereas the within bound T.D. by his deed indented, bearing dated &c. hath made and executed an estate unto the within named L. W. of and in foure tenements, with their appurtenances lying in N. &c. under a certaine condition in the said deed expressed, as by the same deed at large doth and may appeare. If therefore the said foure tenements with all their appurtenances, at the time of the said estate and feoffement making, were cleerly discharged of all former bargaines, sales, titles, dowers, joyntures, statutes merchants, and of the staple, annuities, leases, and of all other troubles, charges, and incumbrances, whatsoever they be: the said condition, and the rents and services to be due, and going out of the premisses to the chiefe Lord of the fee of the same onely except. And also if the said T.D. and E. now his wife, upon the default of paiment of any summe or summs of money in the said deed of feoffment contained, shall make or cause to be made to the use of the said L. W. his heires and assignes, such further, good and sufficient assurance, of and in the premisses, and every part and parcell thereof, as shall be from time to time further devised or required by the said L. W. his heires or assignes, or by his or their learned counsel, at the costs and charges in the law of the said W. L. or his heires or assigns, That then, &c.

A condition to defend the title of lands lately recovered, and to pay costs expended about the same.

Sect. 163. THe Condition &c. That where the within bounden S. W. W. and E. D. lately recovered the manor of E. and divers other lands and tenements in E. aforesaid, by a common writ of Entre in the post against the above named E. T. and G. T. which recoverie was had to the use of the said G. T. for terme of his life, without impeachment of wast, and after his decease to the use of the above named E. T. for terme of his life, if the said S. W. W. and E. D. their executors, administrators, and assignes and every of them, doe hereafter at their costs and charges in the law, lawfully defend the said E. T. and G. T. against all such persons as hereafter shall make any lawfull entrie, in, or to the said manors, lands, and tenements, or that shall commence any action, bill, or plaint against the said E. T. and G. their tenants, farmers, or servants concerning the occupation, title, or interest of the said E. and also of the said S. W. W.

and

and E.D. their executors and aſſignes, do hereafter truly content and pay to the ſaid E. and G. their executors and aſſignes, all ſuch lawfull coſts and charges as they hereafter ſhall happen to beſtow and ſpend, in, and about the defence of their intereſt and title, which they have in, and to the ſaid manors, lands, and tenements, That then &c.

A Condition to pay Money for Mariage.

THe Condition &c. That if the within bounden E.H. T.H. and W.A. or one of them, their heires, &c. or any of them, do well and truly content and pay, or cauſe to be contented and paied to the Receiver generall of the M. Majeſties court of Wards and Liveries, or to his lawfull deputie for the time being, to her Highnes uſe, at all feaſts of &c. which ſhall be in the yeare of our Lord God &c. the ſumme of &c. in part of payment of &c. for the fine of the licence of mariage of E.H. late wife of T. H. Eſquire deceaſed, That then &c. Sect. 164.

A Condition to bequeath goods to a wife.

THe Condition &c. That if the within bound W.C. ſhall give, bequeath and appoint, by his laſt Will and teſtament, unto A.S. whom the ſaid W.C. intendeth to take to wife, if it pleaſe God to ſpare him life, ſo much of his proper goods and chattells as ſhall extend and be worth one C. Markes. And that the ſaid A. and her executors after the deceaſe of the ſaid W.C. ſhall and may quietly have, and injoy, & poſſeſſe the ſame goods and chattells, according to the ſame laſt will and Teſtament, without let or interruption of the executors or adminiſtrators of the ſaid W.C. or of any other perſon or perſons, That then &c. Sect. 165.

A Condition to get the aſſent of the Counſell of the Court of Wards, to let certaine lands.

THe Condition of &c. That whereas the ſame I.B. by vertue of a Leaſe to him made out of the Courts of wards and Liveries, under the Seale of the ſame court, is at this preſent time poſſeſſour, for, and during the Minoritie of T.H. the Queenes Majeſties ward, of, and in one great, large, and capitall meaſe, farme, or tenement in W. aforeſaid, and of divers paſtures, cloſes, lands, and tenements in W. aforeſaid, of the yearly rent of &c. of the inheritance of the ſaid T.H. whoſe committee thereof I.W. now is, In which leaſe there is a Proviſo or a condition, that he the ſaid I.B. ſhall, ne may, without the ſpeciall licence of the Counſell of the ſaid Court of Wards and Liveries, alien, bargaine, or ſell his ſaid intereſt and terme, of, and in the ſaid premiſſes, to any perſon or perſons Sect. 166.

or persons, under paine of forfeiture of the said interest: If therefore the said I. B. at, or before the day of &c. next ensuing the date above written, do procure & lawfully get & obtaine the good wils & assents of the counsell of the said court of Wards and Liveries, for to alien, give, and grant his said interest and estate of, in, and to the said capitall meale and premisses to the said I. W. and his assignes, and at, or before the same day of &c. assure and lawfully convey the same his interest and estate, of, and in the said premisses, together with the deed of the lease thereof to the said I. W. and to his use, discharged, of, and from all former bargaines, sales, charges, and incumbrances whatsoever, by him the said I. B. or by his consent or meanes done, suffered, or procured, and also, at, or before the said day of &c. deliver or cause to be delivered to the use of the said I. W. his executors or assignes, the said deed or Indenture of the said Lease, that then &c.

A condition for the occupying of two Boates and certaine Nets.

Sect. 167. THe Condition &c. That where the within bound H. H. and the within named I. W. are proper owners of one Boat called the A. of the burthen or weight of fix Tunne, or thereabouts, with faires, tacklings, cables, and ankers, and other apparell and furniture to the same boat belonging, and also of lxii. Herring nets, and Mackarell nets: And whereas also the said H. and I. are likewise owners of three parts of another Boat in equall divided called the M. of the burthen of an C. tun, with the three parts of all manner of faires, tacklings, cables, and ankers, and all other furniture, and apparel to the same boat called the M. belonging &c. And whereas also the said I. W. is proper owner of one Net called a set net, with two ankers, and other necessaries thereunto belonging, which boats and nets, by the consent of both the said owners, are put to the use of the said H. H. for the affaires and voyages of fishing, called Herring faire, and Mackarel faire, to be made from time to time, as well for the benefit and commodity of the said I. as for the commoditie of the said H. H. Now if the said H. H. his executors, &c. doe at all times hereafter without fraud or guile make a just accompt, and true and perfect reckoning, to the said I. his executors, &c. of, for, and concerning the benefits, profits, and commodities of every voyage called herring and mackarell faire, from time to time, when he shall be thereunto lawfully required, and do yeeld and pay unto the said I. his executors &c. the moitie of every such profits and commodities had and made of every such voyages without fraud or collusion, and shall be answerable to the said I. his executors &c. for the moitie of the said Boats, Nets, and apparel, when he shal be thereunto lawfully required: Except alwaies the misfortune, and casualties of the Sea to be at the adventure of the said I. That then &c.

A

A Condition to purchaſe and ſell.

THe Condition &c. that if the within bounden S. T. at any time hereafter doe buy or purchaſe to him and his heires for ever, the manno^r of T. with the appurtenances in F. within writ̃en then if the ſaid T. at the requeſt of the within named I. D. bargaine and ſell, give, grant, and lawfully aſſure to the within named I. and to his heires for ever one parcell of land containing by eſtimation iij. acres, parcell of the ſaid manno^r, for ſo much money, and as good cheape as the ſaid T. doth buy the ſame parcell of three acres, after the rate of the purchaſe of the ſaid whole manno^r and not otherwiſe, ſo that the money be paied to the ſaid T. at the time of the ſaid bargaine or eſtate thereof to be made without any fraud or deceit, That then &c. Sect. 168.

A Condition not to purchaſe an appeale.

THe Condition &c. That if the above bounden A. V. nor any for her or in her name, to her knowledge, or by her meanes, advice, conſent or procurement, do from henceforth willingly commence, prefer, proſecute or follow any indictment, appeale, or any other action or ſuit, [neither voluntarily give, or procure to be given any evidence or proofe againſt &c. nor againſt any of them, for or concerning the death or killing of W. V. late husband to the ſaid A. V. nor willingly do or cauſe to be done any act or thing whatſoever for the further ſuing or indicting of &c. for or concerning the death or killing of the ſaid W. V. That then &c. Sect. 169.

A condition not to proſecute any action in the ſpirituall Court.

THe Condition &c. That where heretofore there hath bin proceſſe procured by the above bounden T. T. forth of the Queenes Majeſties eccleſiaſticall Court at Yorke, againſt Agnes then called by the name of A. W. whom the above named G. W. hath now eſpouſed and taken to his wife, upon pretence of a precontract ſurmiſed by the ſaid T. S. to be made betweene him the ſaid T. and the ſaid Agnes. If therefore the ſaid T. S. nor any for him or in his name, by his meanes or procurement, doe from henceforth proſecute and follow, or cauſe to be proſecuted and followed the ſaid ſuit againſt the ſaid A. nor againſt any other perſon or perſons that heretofore have had any dealing in the ſaid ſuit or matter on the part and behalfe of the ſaid A. nor doe at any time hereafter procure or commence, nor cauſe to be procured and commenced any other ſuit or proceſſe forth of the ſame Eccleſiaſticall Court, Sect. 170.

or

or any Court having authority to hold plea thereof against the said G. W. and A. now his wife, or against any other person or persons, that have travelled or dealt in that cause against the said T. S. or that have travelled on the behalfe of the said A. And moreover if the said T. S. at all times hereafter within one yeare next insuing the date thereof, doe and suffer to be done all and every such act and acts, thing and things, as hereafter shall be devised or advised by the counsell, the said G. and A. for the cleere and utter determination and discharge of al such pretended right or claim, as the said T. S. hath, might, or may have, challenge or make against the said A. by vertue or colour of any precontract or promise between him the said T. and the said A. surmised or pretended, or by reason of any other matter whatsoever heretofore had or mooved betweene the said T. S. and the said A. at the costs and charges in the law of the said G. W. that then &c.

A Condition to performe Covenants.

Sect. 171. THe Condition &c. That if the within bounden T. F. &c. doe well and truly hold, performe, observe, fulfill and keep all and singular covenants, grants, articles, payments, promises, and agreements, which on the part and behalfe of the said T. F. his heires, executors, &c. or any of them are to be holden, performed, observed, fulfilled, and kept, contained, written, declared and specified in one paire of Indentures bearing date &c. made betweene the said T. F. of the one partie, and the within named S. T. on the other partie, according to the tenor, purport, true intent and meaning of the said Indentures, That then &c.

To performe an award.

Sect. 172. THe Condition &c. That if the above bounden E. L. his executors, and administrators, and every of them, for his and their part and behalfe in all things, doe well and truly stand to, obey, performe, fulfill and keepe the award, arbitrement, order, rule, doome and iudgement of A. C. A. P. H. D. and R. S. arbitrators indifferently chosen as well on the part of the said E. L. on the one party, as on the part of the above named I. I. on the other partie, to arbitrate, award, order, and judge of, and upon all, and all maner of actions, suites, debts, accompts, trespasses, controversies and demandes, whatsoever, had, mooved, or depending, or which might have beene had or mooved betweene the same parties, at any time before the date above written: So alwaies as the same Arbitrators do make their award and judgements, of, and concerning the premisses, by writting indented under all their hands and seales, on this side the twentieth day of June

June next comming, and one part of the ſaid writing indented under all their hands and ſeales, and the ſame deliver, or cauſe to be delivered to the ſaid E.L. or his aſſignes, requiring the ſame, upon the ſame twentieth day of June next comming, at the now dwelling houſe of the ſaid A.P. ſet and being in Eaſtcheape in London, betweene the howers of 2. and 5. of the clock in the after noone of the ſame day. And alſo if the ſaid E.L. doe not diſcharge the ſaid Arbitrators, nor any of them in the meane time, That then &c.

A Condition to performe an Award of lands, and to ſhew Evidences.

THe Condition &c. That if the within bounden H. I. and I.P. doe ſtand to, obey, performe, keep, and fulfill the award, arbitrement, ordinance, rule, and iudgement, of B. W. &c. & D. P. arbitrers indifferently named, elected, and choſen, aſwell on the part of the within named R. as on the part of the ſaid H. I. to arbitrate, ordeine, and deeme aſwell of, and upon the right, title, intereſt, uſe, and poſſeſſion of a garden, lying &c. as of, and upon all actions, treſpaſſes, quarrels, ſuits, debates, debts, demands, and al other grieſes, and inconveniences, had, moved, ſtirred, or depending between the ſaid parties concerning the ſame garden. And alſo the ſaid H. I. before the feaſt of Eaſter next comming &c. ſhew unto the ſaid Arbitrers all ſuch writings as he hath in his poſſeſſion concerning their right, title, uſe, intereſt, or poſſeſſion of the foreſaid garden, in ſuch wiſe that the ſaid arbitrers be not delayed to make an arbitrement, of, and in the premiſſes for want of the ſight of the ſaid writings and evidences: So alwaies that &c. That then &c. Sect. 173.

A Condition that a Prentice ſhall not waſt his Maſters goods.

THe Condition &c. That where one I.S. the ſonne of the within bounden A.S. by his writing indented, bearing date the day of the date of this preſent obligation, hath put himſelfe apprentice to the within named R.E. to the craft of a Cutler, from the feaſt of S. Michael the Archangel laſt paſt, untill the end of the terme of ſeven yeares from thence next following, as by the ſame Indentures more plainely appeareth, If the ſaid I.S. ſhall at any time during the ſaid terme, willingly or negligently caſt away, conſume, or waſt any of the goods or chattells of the ſaid R.E. then if the ſaid A.S. his executors or adminiſtrators, upon a lawfull proofe made of the caſting away, conſuming, or waſting of the ſaid goods Sect. 174.

of

or chattels, shall content and pay, or cause to be contented and paied to the said E. R. his executors or administrators, the value of all such goods and cattels, as shall so fortune to be cast away, wasted, or consumed, from time to time, upon the said lawfull proofe made of the same, during the said terme. Provided alwaies, that the said A his executors or administrators, shall not be chargeable or compellable by this Obligation to pay, satisfie, or recompence unto the said R. E. his executors or administrators above the summe of fortie Markes, That then &c.

A Condition for a Servant, or apprentice.

Sect. 173. THe Condition &c. That where the within named I. T. before the sealing and deliverie of this Obligation hath hired and retained the within bounden W. D. to serve the said I. from the day of the date hereof, for and during the terme of three whole yeares thence next insuing. If therefore the said W. D. from the day of the date hereof, shall dwell, tarrie, serve, and abide, to and with the said I. his executors and assignes, unto the full end and terme of three whole yeares now next insuing and fully to be ended. And also shall during the said terme, well, faithfully, and obediently serve the said I. his executors & assignes, in all such workes, businesse, and affaires, as the said W. shall be put unto, according to the power, wit, and abilitie of the said W. D. without absenting himselfe either by day or night, without licence of the said I. his executors or assignes during the said terme. And also if the said W. shall not during the said terme either waste or consume the goods and cattels of the same I. his executors or assignes, but shall behave himselfe honestly and obediently towards the said I. his executors or assignes as a iust, faithfull, and honest servant ought to doe during the said Terme, to all intents, respects, and purposes, That then &c.

A Condition not to disanull a Letter of Attorney to receive debts.

Sect. 174. THe Condition &c. That where the above bounden R. B. hath made a Letter of attorney unto the within named R. F. to receive of R. C. of &c. and R. M. of &c. all and singular such summes of money as are due and owing unto the said R. B. by and from the said R. C. and R. M. by their three severall writings obligatory bearing date the &c. wherein the said R. and R. stand joyntly and severally bound unto the said R. B. and every of them in the summe of &c. indorsed with condition in every of them, for the payment of &c. as by the same letter of attorney, and writings obligatory

ligatorie aforeſaid, it doth appeare if the ſaid R. B. doe not at any time hereafter revoke or diſanull the ſaid letter of atturney, nor make any letter of atturney, concerning any of the ſaid writings obligatory to any perſon or perſons, other then to the ſaid R. F. his executors or adminiſtrators. And alſo if there be ſuch perſons dwelling in the ſaid Town of H. as be called and named by the names and additions of R. C. and R. P. and alſo if the ſaid three ſeverall writings obligatory, and every of them be the good, lawfull, ſure and ſufficient deeds in the law of the ſaid R. C. and R. P. and every of them. And alſo if the ſaid R. C. and R. P. their executors and adminiſtrators, and every of them, now be, and ſhall continue and be ſufficient in ability and ſubſtance to anſwer and ſatisfie the ſaid debts and every of them, over and beſides all other debts which they or any of them now, or hereafter doe or ſhall owe, or be charged with to any perſon or perſons, And ſhall have alwaies Aſſets in their owne hands, occupation, and poſſeſſion, during and untill ſuch time as the ſaid debts and every of them, or all ſuch ſummes of money as are ſpecifyed or contained in the Indorſements of every of the ſaid writings obligatorie, ſhall be fully anſwered, ſatisfied, or payed unto the ſaid R. his executors or aſſigns. And alſo if the ſaid R. B. his executors and adminiſtrators, ſhall and will at all times hereafter, at the coſts and charges in the law of the ſaid R. F. his executors or adminiſtrators, avow, juſtifie, and proſecute with effect to finall end, all and every ſuch action or actions, ſuits, and plaints, judgements, and executions, as the ſaid R. his executors &c. ſhall cauſe to be attempted, commenced, affirmed, purſued, awarded, or adjudged, in the name of the ſaid R. B. his executors, or adminiſtrators, againſt the ſaid R. C. and R. P. and either of them, or the heires, executors or adminiſtrators of any of them, for the recoverie of any ſumme of money in the ſaid writings obligatory, or any of them, or in the indorſements of any of them contained, and ſhall not willingly be nonſuit, nor ſuffer any nonſuit to be in the ſame action, actions, ſuits, plaints, judgements, or executions, nor any of them, nor hath not heretofore done, nor hereafter ſhall doe, ſuffer, or make any act or acts, thing or things, releaſe or acquitance, whereby the ſaid writings obligatory, or any of the, or any ſum of money in the, or any of the, or in the indorſement of any of them contained, or any of the ſaid action or actions, ſuits &c. or any other benefit ariſing by reaſon of any the premiſſes, ſhal or may be in any wiſe releaſed, acquited, diſcharged, barred, defeated or avoided, without the conſent & agreement of the ſaid R. F. his executors or adminiſtrators. And alſo if the ſaid R. hath not received any part of the ſums of money in the ſaid writings obligatory, or any of them, or in the indorſements of any of them contained. And alſo if the ſaid R. B. his executors or adminiſtrators, ſhall, and will permit and ſuffer the ſaid

R. F.

R. F. his executors or administrators, to receive and take the whole advantage and benefit of the said writings obligatory, and summes of money aforesaid, action, actions, suits, plaints, judgments, and executions, and every of them, to the onely use of the said R. F. his executors and administrators. And also if the said R. B. shall at the like costs of the said R. F. his executors and administrators, or at the request of any of them, doe and suffer all and every other and further act or acts, whereby the said R. F. his executors and administrators shall or may attain unto the said benefit and advantage of the premisses. And also if the said R. B. his executors or administrators shall not at any time hereafter demand any accompt to be yeelded to him, or them, by the said R. F. his executors or administrators, for, or concerning the premisses, or any part thereof. That then &c.

A Condition not to disanull a Letter of attourney for land.

Sect. 177. THe Condition &c. That where the within bounden J. B. and E. B. have made a Letter of attourney unto the within named W. C. to recover all manner of lands and tenements whatsoever, which to the said J. B. and E. descended and came, or ought to have descended and come as heires of N. B. their late father deceased, as by the same Letter of attourny &c. if the said J. B. and E. B. or any of them shal not at any time hereafter revoke or disanull the said letter of Attourney. And also if the said J. and E. or either of them, shall and will at the costs and charges in the law of the said W. C. his executors, or administrators from time to time, and at all times hereafter, avow, justifie and prosecute with effect to finall end, all and every such action and actions, suits and plaints, as the said W. his executors, or administrators, shall bring, attempt, or commence in any of her Majesties Courts, in the names of the said J. E. and W. against any person or persons whatsoever, for the recovery of any such the lands or tenements, as were the said N. W. And shall not willingly be nonsuit or suffer any nonsuit or discontinuance or retrarit to be in the same action, actions, suits, or plaints, or any of them. And also if the said J. and E. or any of them shall not doe or willingly suffer to be done any act or acts, thing or things whatsoever, whereby the title, right or interest of the said J. and E. and either of them, of, in, or to the said lands, and tenements aforesaid, or any of them, or any action or actions, suit, or plaint, commenced or to be commenced or attempted by the said W. against any person or persons in the name of the said J. E. and W. shall or may be letted, hindred, discharged, annihilated, adminished, defeated or avoided, without the consent and agreement of the said W. his execu-

tors

tors or administrators. And also if the said I. and E. and every of them and their heires, shall and will after such recoverie so had, as is aforesaid, at the reasonable request of the said W. or his heires, convey and assure to the onely use of the said W. his heires and assignes, all their part and portion of the lands and tenements, so to be recovered, and all their right, title, and interest which the said I. & E. or either of them, or any of their heires shall then have, or ought to have, of and in the premisses or any part or parcell thereof, with Covenants of being discharged &c.

A condition to performe a will.

The Condition of this obligation is such, That where the within bounden I. W. shall (by the grace of God) marry and take to wife R. A. of N. late the wife of E. R. deceased. And where also the said E. R. by his testament and last will named and ordained the said R. A. sole executrix of the same his testament and last will, and by the same hath given and bequeathed to A. x. li. &c. to be paid &c. to F. R. xij. li. to be paid &c. if the said I. W. his executors or administrators shall well and truly pay to the said A. the summe of x. li. &c. at the said day &c. and to the said F. R. xij. li. &c. at the said day &c. And also if the said I. W. his executors or administrators shall fulfill and truly accomplish and performe the said testament and last will of the said E. R. and also truly satisfie, content, & pay all legacies, gifts and bequests contained and specifyed in the same last will and testament, according to the tenor, purport and true meaning of the said testament, and last will. That then &c. Sect. 178.

A condition to performe a will, and save harmelesse the executors thereof.

The Condition &c. That where the within named T. L. hath authorised the within bounden D. F. to fulfill the testament & last will of one E. L. father to the said T. L. in stead of the same T. and hath assigned all his right of executorship unto the said D. F. now if the said D. F. doe performe the said testament and last will of the said T. L. deceased, and also doe acquit, discharge and save harmelesse the said T. L. at all times hereafter against all and every person or persons whatsoever, of, for, or concerning all actions, suits, demands, legacies, and all libels hereafter to be brought against the said T. L. by reason of the said testament and last will of &c. That then &c. Sect. 179.

A

A Condition not to meddle with Executorship.

Sect. 180. THe Condition of this obligatiō is such, that whereas the within bounden T. T. hath assigned and committed al his right of executorship of the testament and last will of S. I. late deceased, unto the within named R. R. and hath fully for her part authorised, licenced, and assigned the said R. onely to doe all and every thing and things by himself and his assigns concerning the execution of the said last will and testament. That therefore if the said T. T. shall not intermeddle with the administration of any part of the goods and cattels, money, debts, or plate of the said Testator, without the consent of the said R. his heires or executors, but shall at all times hereafter, and from time to time permit and suffer the said R. R. his executors and assigns to administer al such goods, cattels, mony, debts, and plate, as at the day of the making hereof been in the custody of the said R. R. to be administred, or in the hands or possession of any other person or persons, exercept such goods, cattels, money and plate as beene in the possession and custody of the said T. T. of the said Testators, which is or are to be administred as shall be thought good by the said T. T. And further if the said T. T. his heires &c. doe not discharge any debt of the said Testators, without the consent of the said R. R. his executors, or administrators, nor any action which the said R. R. or his executors shall justly attempt and bring against any person or persons, to, or for the recoveries of any of the debts, goods, and cattels of the said testator, That then &c.

A Condition not to doe any act as Executor, without consent of his Coexecutor.

Sect. 181. THe Condition &c. That where one C. B. late of N. widow deceased, by her Testament and last will, named, ordained, and constituted the within bound M. B. and the within named N. I. to be executors of the same her Testament and last will, as by the same last will and testament amongst other things appeareth. If the same M. B. shall not at any time hereafter make, or cause to be made, any release, acquittance, or other discharge to any person or persons, for, or concerning any of the debts, goods, or cattels, which were the said C. B. the day of her decease, nor shal doe, suffer, or cause to be done, or suffered to be done, any other act or acts, thing or things, in, or about the execution of the said Testament and last will of the said C. without the assent, consent, and agreement of the said N. I. That then &c.

A

A condition not to ſell lands, but to the Obligee for a ſumme certaine.

THe Condition &c. That if the within bound I. H. the day of the date of theſe preſents be true and lawfull owner of a good, perfect, abſolute, and indefeaſible eſtate in fee ſimple, to his own onely uſe, of, and in one tenement with the appurtenances, in A. &c. and hath not at any time ſince the firſt day of October laſt paſt before the date hereof, bargained, aliened, ſold, or put away, nor ſhall at any time hereafter alien, ſell, or by any waies or meanes put away the ſaid tenements and premiſſes, or any part thereof, , to any perſon or perſons, other then to the within named E. S. his heires or aſſignes: So that the ſaid E. S. his heirs or aſſigns will content, ſatisfie, or pay, or cauſe to be contented, ſatisfied, and payed, unto the ſaid I. H. the ſumme of rl. pounds of &c. for ſuch good, perfect, & ſufficient aſſurance in the law of an eſtate in fee, of, and in the ſaid tenements and premiſſes, and every part, and parcell thereof to be conveyed from the ſaid I. H. his heires and aſſignes to the ſaid E. S. his heirs and aſſignes for ever, diſcharged of all manners of titles, charges, and incumbrances whatſoever, as ſhall be deviſed, or adviſed by the ſaid E. S. his heires or aſſignes, or by his or their learned Councell in the law, That then &c. Sect. 182.

A condition that a mans Wife ſhall claime no Dower but releaſe upon requeſt.

THe Condition &c. That where the within bound W. A. hath bargained and ſold to the within named T. P. all thoſe his lands and tenements, aſwell freehold as copyhold, in S. in the county of N. if the ſaid T. P. his heires and aſſignes, ſhall or may at all times hereafter, have, hold, occupy, and injoy as much of the premiſſes as be freehold, without let or interruption of P. now wife of the ſaid W. or her aſſignes, by reaſon of any intereſt or title of Dower, that ſhe the ſaid P. may fortune hereafter to claime, of, or in the ſame premiſſes being freehold, if ſhee ſhall happen to ſurvive the ſaid W. A. her husband. And further, if the ſame T. P. ſhall be minded at any time within the ſpace of one yeare next comming after the date hereof to have the ſaid P. to releaſe all her right, title, and intereſt of, and in as much of the premiſſes as be freehold, then if ſhe the ſaid P. upon a reaſonable requeſt to her thereof made by the ſaid W. A. his heires or aſſignes, ſhall lawfully releaſe all the right and title, of, & in the ſame premiſſes, to the uſe of the ſaid T. P. his heires and aſſignes, at the onely coſts and charges in the law of the ſaid T. his Sect. 183.

heires and assignes. And also if the said Y. at the next Court or Courts which shall be holden for the manor or manors, whereof the copyhold premisses beene holden (having of the same courts so to be holden reasonable knowledge, notice, or warning to her given by the said T. Y. his heirs &c.) shall lawfully surrender and release all her right, title, and interest, of, and in the same copyhold premisses to the use of the said S. Y. his heirs and assignes, the same premisses then being cleerly discharged, or otherwise from time to time sufficiently saved harmlesse, of, and from all former bargaines, sales, titles, fines, amerciaments, issue, forfeitures, and other charges and incumbrances whatsoever they be, had, made, done, or charged by the said W. A. or by any other person or persons by his assent or commandement, (the fine or fines for the taking of the premisses being copyhold or customary tenure by the said T. his heires or assigns and the rents and services frō thencefoorth to be due to the Lord or Lords of whom the same premisses beon holden only excepted) That then &c.

A condition that an estate is good, and that the wife shall claime no dower.

Sect. 184. THe Condition &c. That where the within bounden R. S. by his deed of feoffement, bearing date the day of the date of this present obligation, hath made and executed an estate in fee simple, to the within named T. H. and his heires of, and in the tenement &c. and which did descend to the said R. S. as son and heire of L. S. his father deceased, as by the same deed of feoffement more plainly appeareth. If the said estate be good lawfull, perfect, and sure to the said T. H. and his heires, according to the tenor & effect of the said deed of feoffement. And also, if the said tenement at this time be cleerly discharged of all former bargaines, sales, titles, intercesse, statutes, recognisances, rent, charges, arrerages of rents, and all other troubles, charges, and incumbrances whatsoever they be (except the rents & services thereof, to the Lords of the fees of the same, from thencefoorth to be due.) And if it shall fortune the said A. S. now wife of the same R. S. to survive the said R. then if neither the same A. nor any other person or persons for her, or in her name, shall trouble, vexe, nor sue the said T. H. his heirs, executors, nor assigns, nor the owners or possessors of the said tenement &c. or of any part thereof, for her dower, of or in the same premisses, or for any other title or demand, in, or to the same, or any part thereof, that then &c.

A

A condition not to be ſurety.

THe condition &c. That where the within bound E. D. hath heretofore many times entred into bonds, and become ſurety for divers perſons for the payment of divers ſums of money, as well by writing as without writing, ſo that thereby the ſaid E. D. hath been like to fall into decay and poverty: for the avoiding whereof the ſaid E. D. by the adviſement of divers of his friends, hath thought it good to bind himſelfe in the penaltie of C. li. to the within named W. L. to the intent cleerely to abſtaine and refraine himſelfe from the aforeſaid ſuretiſhip. If therefore the ſaid E. D. ſhall at any time or times hereafter give his promiſe, or become bound, or ſtand as ſurety by any kind of meanes, without the conſent and agreement of the ſaid W. for any perſon or perſons whatſoever, for or above the ſumme of xl. s. at any time, except it be for one R. D. of M. That then &c. Sect. 185.

A condition not to play at Dice.

THe Condition &c. That where the within bound I. K. hath heretofore accuſtomed, frequented, and uſed to play at the dice, cards, and tables, to his great hinderance and loſſe, ſo that by exerciſe, uſe and accuſtomable playing at thoſe unlawfull games, the ſaid I. K. hath been like to fall and come into extreame poverty and other dangers: for the avoiding of which ſaid evils, the ſaid I. K. through the advertiſement of his friends, hath agreed to be bound in the ſumme of xl. li. within written, to abſtaine and cleerly to abſent himſelf from the plaies and games of them and every of them, for and during the terme of ſeven yeares &c. If therefore the ſaid I. K. ſhall not at any time or times hereafter, privily, or openly, during the ſpace of ſeven yeares next inſuing the date hereof, play at any of the ſaid unlawfull games of dice or cards, and tables, nor any of them, with any manner of perſon or perſons, for any ſum or ſummes of money, or any other goods or chattels (liberty for playing at cards for the ſpace of eight dates yearly, next after the feaſt of the birth of our Lord God commonly called Chriſtmas, during the ſaid ſeven yeares only excepted) That then &c. Sect. 186.

A condition to pay money, or ſave harmeleſſe of a recogniſance.

THe Condition &c. That whereas the above named I. B. at the requeſt and inſtant deſire, and for the debt of the above bound I. A. together with him, and one I. G. by one recogniſance of the date above written, knowledged in the Queenes Majeſties high court of Chancery, ſtandeth bound unto A. W. in one hundreth pounds, with a condition for the payment of fifty pound &c. upon the laſt day of June next inſuing the date above written, if the ſaid A. W. and A. her daughter, or either of them ſhal Sect. 187.

be then living, at the now dwelling house of R. W. notary at the Royal Exchange in London, as by the said Recognisance more at large may appeare. If therefore the said I. A. his heirs &c. doe content &c. to the said A. or A. their executors or assignes the said sum of fifty pound, of &c. upon the said last day of June next insuing, at the place aforesaid (if the said A. or A. or either of them shall be then living) in full discharge of the said recited Recognisance, that then this present Recognisance &c.

A condition to save harmelesse of a Bond.

Sect. 188. THe Condition &c. That whereas the within named N. C. at the instance and speciall request of the within bound W. C. together with the same W. & for the debt of the same W. by a certain writing obligatory, bearing date &c. and standeth joyntly & severally bound unto one I. O. of &c. in the sum of ??? li. with condition thereupon indorsed for the payment of ??? li. of lawful mony &c. at &c. as by the same writing obligatory, and the indorsement thereof more plainly appeareth. If therefore the said W. C. his heirs &c. shall at all times hereafter, & from time to time, cleerly acquit, discharge or sufficiently save harmelesse the said N. C. his &c. and every of the against the said I. O. his heirs, executors, administrators and every of them, of, for and concerning the said writing obligatory, and the condition thereof, and every summe and summes of money in the same writing obligatory, and the indorsement thereof contained. And also if the said W. C. his heirs, executors or assigns, or one of them, shall within the ?. dais next insuing after the said feast of S. J. the Apostle deliver or cause to be delivered unto the hands of the said C. his heires &c. the said writing obligatory cancelled, or else some lawfull and sufficient acquitance, or other discharge of and concerning the same, that then &c.

A condition to save harmelesse of a bond for the peace.

Sect. 189. THe Condition &c. That whereas the within named W. R. at the instance, and special request of the within bounden G. D. together with the same G. D. and other, standeth joyntly & severally bound for the said G. D. to our Soveraigne Lady the Queens Majesty that now is, in the sum of ?? li. of &c. with condition that if the said G. D. doe observe and keep the peace of our said Soveraigne Lady, against all her liege people, and specially against one C. C. untill the feast of C. next comming after the date hereof, as by the same recognisance appeareth. If therefore the said G. D. his executors and administrators or any of them, do at al and every time and times hereafter and from time to time cleerly exonerate, acquit, discharge or otherwise sufficiently save and keep harmelesse by all wayes and meanes whatsoever, as well the said W. R. his executors and administrators and every of them, as all and singular the lands, tenements, goods and

and chattels of the ſaid W.B. his executors and adminiſtrators and every of them againſt our ſaid Soveraigne Lady the Queen her heires and ſucceſſors by reaſon of the ſaid Recogniſance, and without any vexation, trouble or moleſtation of the ſaid W.B. his executors or adminiſtrators or any of them: That then &c.

A Condition to ſave harmeleſſe as ſurety in the Guild-Hall.

THe Condition &c. That where one T.P. &c. hath brought and commenced an action of debt of x.li. againſt the within bounden J.W. in the Queens Majeſties Court of the Guild hall of the city of L. before R.R. and R.H. Sheriffes of the ſame city, in & to which plaint the within bounden J.C. and R.C. at the requeſt of the ſaid J.W. are become pledges and ſureties for the ſaid J.W. to anſwere unto the ſaid T.P. in the ſame plaint. If therefore the ſaid J.W. his heirs, executors or aſſignes doe at all times hereafter, and from time to time, clearly exonerate, acquite, diſcharge or ſave harmeleſſe the ſaid J.C. and R.C. their heires, executors, and adminiſtrators, and every of them againſt the ſaid T.P. his heires, executors, and adminiſtrators, and all and every other perſon and perſons whatſoever, of and for the ſaid action, and all things concerning the ſame: That then &c. Sect. 190.

A Condition to diſcharge his bailes in the Kings Bench.

THe Condition &c. That where the above named H.C. and one R.H. in their proper perſons have undertaken for the above bounden C.F. by a Recogniſance or mainprize taken and knowledged before the Juſtices at the Kings Bench at Weſtminſter, that if it happen the ſaid C.F. to be condemned in any action at the ſuit of T.B. Eſquire that then the ſaid R.H. and H.C. did grant all coſts and damages, & executions, which ſhould be adjudged to the ſaid T.B. in that behalfe, ſhould be levied to the uſe of the ſaid T.B. of the lands and cattels of the ſaid R.H. and H.C. if it be it that the ſaid C.F. doe not pay the ſame damages himſelfe to the ſaid T.B. or reſtore and yeeld himſelfe againe by meanes thereof to the priſon of the Marſhall of the Marſhalſey, if the ſaid C.F. his heires &c. and every of them at all times hereafter from time to time, doe well and truly acquit, diſcharge or ſave harmeleſſe the ſaid H.C. and R.H. their heires &c. and every of them againſt the ſaid T.B. his &c. of, and for the breach and forfeiture of the ſaid Recogniſance and mainprize, and of, and for the execution of the ſaid action whereupon the ſame Recogniſance and mainprize was ſo taken and knowledged, and alſo of, and upon all other bonds. Obligations and Recogniſances, wherein the ſaid H.C. ſtandeth bound to any other perſon or perſons, for, and in the behalfe of the ſaid C.F. That then, &c. Sect. 191.

A Condition to save his baile harmeleſſe and render himſelfe priſoner, if &c.

Sect. 192. THe Condition &c. That whereas the within named G. F. this preſent Terme of S. Michael, became bounden ſuretie, mainperno⁹, baile, o⁹ pledge, fo⁹ the within bounden T. F. againſt H. S. of &c. in the Court fo⁹ plees before the Q. Majeſtie to be holden, as by the Reco⁹ds thereof appeareth: That now if the ſaid T. F. his execuro⁹s o⁹ adminiſtrato⁹s ſhall pay, o⁹ cauſe to be paid unto the ſaid H. S. his execuro⁹s &c. all & every ſuch debts, damages, ſum o⁹ ſums of money, as ſhallbe recouered by the ſaid H. S. againſt the ſaid T. F. in the ſaid Court, o⁹ yeeld his body into the p⁹iſon o⁹ keeping of the Marſhall of the Marſhalſey fo⁹ the ſame, accoꝛding to the intent and meaning of the ſame baile and iudgement thereupon to be giuen in the ſame Court, And thereof fo⁹ euer ſaue and keepe harmeleſſe the ſaid G. F. his heires, execuro⁹s, and adminiſtrato⁹s, againſt the ſaid H. S. his execuro⁹s, and adminiſtrato⁹s, and euery of them, That then &c.

A Condition to ſaue harmeleſſe of Couenants for the ſale of Woods.

Sect. 193. THe Condition &c. That where R. C. Eſquire by his deed indented bearing date &c. hath bargained & ſold to T. H. all that his wood and vnderwood, called and knowen by the name of &c. containing &c. ſet ſtanding, growing, and being within the Parish & woods of &c. as by the ſaid Indentures &c. which woods the ſaid T. H. hath bargained and ſold to the within bounden I. P. If the ſaid I. P. &c. and euery of them do well and truly content & pay to the ſaid R. C. o⁹ his execuro⁹s o⁹ aſſignes the ſum of &c. at the day and time contained in the ſaid Indentures, in the name and behalfe of the ſaid T. H. And alſo do diſcharge and ſaue harmeleſſe the ſaid T. H. and his execuro⁹s, & adminiſtrato⁹s, of, to, and fo⁹ all couenants, grants, and agreements contained and ſpecified in the ſaid Indentures, which on the part of the ſaid T. H. his execuro⁹s, adminiſtrato⁹s, and aſſignes, and euery o⁹ any of them are to be obſerued &c. That then &c.

A Condition to ſaue harmeleſſe of a Recogniſance.

Sect. 194. THe condition &c. That where the within named A. B. at the inſtance, petition, and requeſt of the within bounden E. F. and fo⁹ his debt by a certaine Obligation o⁹ Recogniſance made before W. M. Recoꝛder of the City of L. and I. B. knight, Ald. of L. in the ſumme of rr. li. of &c. as by the ſame Oblig. appeareth, if the ſaid E. F. his heires &c. pay unto

to the ſaid Chamber all the aforeſaid ſum of xx.li. and alſo ſave and keepe harmeleſſe the above named A.B. from all maner of indempnities, coſts, and charges of, for, and concerning the ſaid Obligation or recogniſance, and all other things concerning the ſame, That then &c.

A Condition to ſave harmeleſſe of Legacies, and to pay the ſame to the legataries.

THe Condition &c. That where the within bounden R.B. and I. his wife, have received and had at the inſealing and delivery of theſe preſents, of the within named I. B. and I.B. adminiſtrators of the goods and cattels of one I.B. late of S. deceaſed the ſum of xviii.li. of &c. (viz.) x.li. the one halfe or moitie of a Legacie given to I.B. by the laſt will and Teſtament of the ſaid I.B. her late father, and viii.li. to be paid to one A.A. daughter of the ſaid I.B. by vertue of the ſaid laſt will and Teſtament of the above named I.B. Now therefore, if the ſaid R.B. his heires &c. doe diſcharge, acquite, ſave and keep harmeleſſe the ſaid I.B. and I. B. their heires &c. againſt all maner of perſons for the paiment of the ſaid xviii.li. of &c. And alſo pay the ſame x.li. unto her the ſaid I.B. when ſhe ſhall accompliſh the full age of xxi. yeares, if ſhe ſo long live, and if ſhe fortune to die before the ſaid age, then to him, her, or them that can or may lawfully demand or claime to have the ſaid x.li. before remembred, and I.B. and their adminiſtrators, for the payment of the ſame ſumme. And alſo beare and ſuſtaine the halfe charges of the education & bringing up the ſaid A. untill ſhe ſhall attaine and accompliſh the ſaid age of xxi. yeares That then &c. Sect. 195.

A Condition to ſave harmeleſſe of debts and legacies.

THe Condition &c. That the within bounden I.R. his executors &c. and every of them, ſhall and will upon reaſonable requeſt and notice, well and ſufficiently ſave and keep harmeleſſe and indemnified the ſaid E. againſt all and every perſon and perſons, of, for, and concerning all and every debt or debts, which I.R. deceaſed, late Father of the ſaid I. & E. did at the time of his death owe unto any perſon or perſons whatſoever, and of, from, and concerning all and every ſuch legacies as are pretended to be given, or were given or bequeathed in and by a ſuppoſed will and teſtament of the ſaid I.R. deceaſed, & of, for, and concerning the ſaid laſt will: or els if any perſon or perſons, ſhall at any time hereafter commence or ſue, or cauſe to be commenced or ſued any plaint, ſuite, or action againſt the ſaid E.R. her executors or adminiſtrators, for or by reaſon of Sect. 196.

any debt, legacie or other thing due, payable or bequeathed, or supposed to be due, payable, or bequeathed by the said I.R. the father, to any person or persons, and the said E.R. and her executors shall and will from time to time, in convenient time give notice thereof to the said I.R. the son, his executors and administrators, and permit and suffer such answere and plea to be pleaded and made hereunto as shall be devised, advised or made by any Counsellor, Atturney, or Procurator that shall for that purpose be retained by the said I.R. the sonne, his executors, or administrators: if then the said I.R. the son, his executors &c. from time to time, shall and will well and sufficiently recompence and allow unto the said E. her executors or administrators, all and every such summe and summs of money as by order of law without collusion shalbe recovered against her or them, or any of them, for or by reason of every such plaint, suit, action or actions, together with all such costs, charges and expences as they or any of them shal necessarily expend, disburse or lay out about the defending of any such plaints, actions, suit or suits, or in travell about the same, within vi. moneths next after request and notice thereof to him the said I.R. the son his heirs, executors, or administrators to be given or made by the said E. R. her heires, executors, or administrators, That then &c.

A Condition to save harmeleſſe from ſuits in the law &c.

Sect. 197. THe Condition &c. That if the above bound W.T. his executors, and administrators, and every of them, at all times hereafter upon sufficient warning and request do by reasonable recompence save & keep harmeleſſe and indemnified W.H.R.S. and E.T. & every of them, and the executors &c against G.B. and every other person and persons claiming by, from or under him any right or title, of and from all maner of suits damages, costs, and charges in the law, arising or growing, or which hereafter shall arise and grow by meanes of any suit now being or depending, between the said W.T. and E.B. or which hereafter shall arise or grow between them, or, for or concerning the estate, right, title, interest or possession, of, or in one mesuage with the appurtenances in D. &c. That then &c.

A Condition to keepe the peace, and appeare before the Queenes Counsell.

Sect. 198. THe Condition &c. That if the within bound I.L. observe and keep the peace against the Queene our Soveraigne Lady, and all her liege people, betweene this and the xv. of Easter next comming, and then doe personally

perſonally appeare before the Queen and her moſt honorable Counſell in the Starre-chamber at W. and ſo from day to day, and not to depart without licence of the ſaid Court, That then &c.

A Condition to keepe the peace.

COnditio iſtius obligationis talis eſt, ꝙ ſi interius obligat̃ R. de ceter̃ bene & honeſte ſe habeat, & pacem Dominæ Reginæ gerat erga infranominat' I.S. & W.R. & eor̃ utrunq; & omnes familiares & ſervientes ſuos, prout ordo charitat̃ & honeſtatis idem requirit, ac ipſe ipſos I. & W. ſeu eor̃ alterũ non leſerit verbo nec opr̃, ꝙ in ipſorum I. & W. damnum ſive leſion̄ nominis ſui, ſive bonæ famæ aliqualit̃ cõver̃ poterit, ac etiam ſi dicti I. & W. ſive eorum alter p. præd̃ R. aut per aliqū alium ſeu aliquos alios ejus cauſa, querela, favore, amore, odio, inſtigatione, ſeu procuratione de ceter̃ non proſequat̃ nec implacitent pro aliqua cauſa, querela ſeu materia quacunq; int̃ dict' I. & W. & pref. R. ante dat̃ infraſcript̃ habit', mor̃, ſeu exort̃, ꝙ tunc preſens obligatio, vacua & pro nulla habeat̃, & ſi præd̃ R. contr̃ premiſſa ſeu eor̃ aliquod in futur̃ fac', ſeu fieri procuraver̃, ꝙ tunc preſens obligat̃ in omni ſuo robore ſtet & effectu &c. Sect. 199.

A Condition to keepe the peace, and to be of good abearing.

THe Condition &c. That if the within bounden S. and E. his wife doe keep the peace againſt all the Kings liege people, & ſpecially againſt A.B. C.D. &c. and beare themſelves honeſtly and duely, both in their words and deeds, againſt the ſaid A.B. &c. nor ſlander them, nor any of them, of or upon any ſuch matter touching the death of J. P. or the ſuit about the triall of the ſame, wherein the ſaid A.E. &c. by the M. laws is cleerely declared innocent &c. Sect. 200.

A condition for apparance in the Kings Bench, and abearing.

COnditio iſtius obligationis talis eſt, ꝙ ſi interius obligat̃ I.L. compareat perſonaliter ſub cuſtodia infranominati Vicecom' vel ejus deputat' coram Domino rege in octabis S. Hill' proximo futur̃ ubicunq; tunc fuerit in Anglia, ad inveniendum tunc coram ipſo domin̄ reg. ſufficientem ſecuritatem de ſe bene gerendo erga ipſũ dominum reg. & cunctum populum ſuum, juxta tenorem brevis dicti domini Reg. præf. Vicecom̄ inde direct. & ſe bene medio tempore gerat, & dict̃ vicec' hered̃, & executores ſuos erga dominum Regem & cunctum populum ſuum de, & in omnibus concernent' premiſſa indemn̄ conſervet, qd. tunc &c. Sect. 201.

A Condition of the peace for the good abearing.

Sect 202. THe Condition &c. That if the within bound R.T. do personally appeare in the custody of the Baily within written or of his deputy, before the Justices of our soveraign Lord the King &c. the Munday next after the Nativitie of S. John Baptist &c. at the town &c. to find there before the said Justices, good and sufficient surettes of the peace, and do behave and beare himselfe well and peaceably against our said soveraigne Lord, and all his liege people, and specially against I.B. and in the meantime keep the peace of our soveraigne Lord. And so from henceforth safe and keep harmeless the within named baily &c. for and concerning the premisses, and every part of them, That then &c.

A Condition for apparance in the Common place.

Sect. 203. COnditio istius obligationis talis est, & si interius obligat. I.H. compareat personaliter corã Iustic' Dom' reg. apud W. a die Pas. in xv. dies ad respondend. H.B. de plac. debit, vel detenc, aut compot' juxta tenorem brevis Reg. præf. Vic, inde directi &c.

A Condition to give evidence against a Felon.

Sect. 204. THe Condition &c. That if the above bounden T.W. and R.C. do pursue & give such evidence as they know, at the next generall Sessions for the county of P. to be holden against D.P. and R.B. now prisoners in the castle of P. concerning certaine felonious acts by them perpetrated or committed, Then &c.

A Condition to give evidence against Felons at the Sessions.

Sect. 205. THe Condition &c. That where the within named R.N. and I.B. by vertue of their office by instruction given and declared unto them by me N.L. of N. have attached and taken as a Felon one G.G. of N. for and concerning the imbezilment & taking away of two peeces of Worsteed, of the goods & chattels of one R.W. of N. D. being in the safe custody & keeping of the said N.L. if the same N. at the Sessions of the peace of our Soveraigne Lady Queen Elizabeth, nert to be holden at N. within the county of &c. in the said City of N. in his owne proper person doe appeare before the Justices of peace of our Soveraigne Lady the Queen Majestie before them, then and there to declare to the said Justices such pregnant evidences against the said G.G. of, for, and concerning the premisses, as he the said N. hath perfect knowledg of, or can declare of a very truth in the discharge and acquiting of the said Sherifes, as well against our

our ſaid Soveraigne Lady the Queene, as againſt all and every other perſon and perſons; That then &c.

Conditio quod compareat cõram Iuſtic. pacis ad proximam Seſſionem.

COnditio iſtius obligationis talis eſt, qd. ſi quidam A.W. Spinſter, in propria perſona ſua compareat corã Juſtic' dom' Reg. de pace in com' N. conſervand' aſſignat, necnon &c. ad prox. Seſſionẽ pacis dictæ dom. reg. apud M.en le Whytehouſe ibid. prox. tenend' ad reſpondend. tam dict. dom. reg. quam G.S. de placit' tranſgreſſ. & contẽpt. contra formã ſtatut. ſervient. Et ulterius indẽpnes cõſervet infra nominat. Vic. & eorũ utrumq; heredes & execut. ſuos, verſus dictã dominam Reg. & omnes alios quouſq; de & ſuper permiſſis, extunc preſens &c. Sect. 206.

A Condition for appearance in the Kings Bench for the peace.

COnditio &c. qꝺ ſi infra obligatus I.L. cõpareat perſonalit. in cuſtod. infranominat. Vic. &c. coram dom. reg. in octab. ſancti Mich. prox. futur ubicunq; tunc fuerit in Angl. ad inveniend. tunc coram ipſa dom. reg. ſufficient. ſecurit. pacis dom. reg. & de ſe bene gerend. erga ipſa dom. reginã & cunctum populum ſuum, & precipue erga H.C. juxta tenor brevis ipſius dom. reg. præf. Vic. inde direct. & medio tempore pacem gerat, & dict. Vic. hered. & executor. ſuos erga dom. reg. cunctum populum ſuum, & precipue erga pred. H. de, & in omnibus concernend. premiſſa indempnes conſervet, quod &c. Sect. 207.

A Condition for behaviour, and not to reſort to the obligees houſe.

THe Condition &c. That if the within bound I.L. from henceforth well and honeſtly, as well in words as in deeds, behave and demeane himſelfe againſt the within named W.P. and from this time forward, neither to rebuke, miſſay, threat, menace, ne brave the ſame W. nor to him any bodily hurt or harme do, or procure to be done, nor any aſſault or fray upon him make, or cauſe to be made. And alſo doe not from henceforth come, reſort, or draw into the houſe of the ſaid W. nor with him, ne any of his be accompanied, eating, drinking, familiar, or converſant within the ſaid houſe, That then &c. Sect. 208.

A Condition for apparance upon a Latitat.

Sect. 209. THe Condition &c. That if the above bound G. H. doe appeare before our said Soveraigne Lady the Queenes Majestie at W. the Thursday nert after quindena Paschæ, to answer unto R. C. in a plea of trespasse: That then &c.

A Condition to be true Prisoner.

Sect. 210. THe condition &c. That if I. H. Merchant of &c. which now is in the Queenes prison, under keeping of the Sherife within written, aswell by reason of a writ of our Soveraigne Lady the Queen, of the Statute of the Staple containing the sum of C. li. &c. as also for certain other actions, causes, and suits, on the behalfe of R. S. &c. moved & commenced, be from henceforth a true and faithfull prisoner, tarrying and remaining with the said Sherife and his deputy, till the same R. S. be fully at an end discharged and acquited of the said action, and then content and pay to the said Sherife &c. all and singular, costs, charges, fees, and other duties in such cases heretofore accustomed to be paid: That then &c.

A Condition to returne Cattell replevied.

Sect. 221. THe Condition &c. That where the within named Sherife, by vertue of his office, and upon the complaint of the within bound I. L. had delivered and replevied to the same I. two horses, and foure kine, which one W. B. late tooke, and wrongfully withheld, as the said I. S. saith, If the same I. do pursue his action with effect against the said W. for the taking and withholding of the said horses and kine & make returne of the same, if the returne therof be so adjudged by law, & the said Sherife, his heirs and executors acquite, discharge and save harmelesse against our Soveraigne Lady the Q. and the said W. of and for all & every thing concerning the premisses, That then &c.

A Condition that Pirats shall appeare at the next gaole-deliverie.

Sect. 212. THe Condition &c. That if the above bound W. W. now prisoner with the Serjeant of the Admiralty, be forth-comming, and make his personall apparance before the said Mast. Doctor L. Judge of her Majesties Court of the Admiralty, and other her Majesties Commissioners for Pyracies, at the nert Sessions of the Gaol delivery to be holden in the City of L. or the Borough of Southwark, for Marine causes, And doe not from thence depart without speciall licence first had and obtained of the said Commissioners, That then &c.

A

A condition of a recognisance of an alehouse keeper.

THe Condition of this Recognisance is such, That if the above bound I. H. appointed to keepe an Alehouse, or victualing house, shall for the relefe of his poore neighbours, or for good, honest, and well disposed waifaring and travailing persons, doe at all time and times hereafter, keepe and maintain in his house convenient victuals, not maintaining, or suffering in his house at any time or times, any unlawfull games. Neither sell or utter any victuals in time of divine Service to be celebrated in the parish Church of &c. upon the holy daies, except in case of necessity, nor in the night after convenient times, and that for lawfull causes, that is to say, after the houres of ix. of the clocke in the afternoon of every day in the Summer time, and viij of the clocke in the Winter. Neither after the same houres receive into his house any theefe, vagabonds, rogues, or suspected person or persons, to his knowledge, to play, eat, or inke, or lodge and abide in the said house, without the commandement of the Constable, or other officer there for the time being, or at any time or times do suffer to remaine by the space of tenne houres in his house, any idle person or persons &c. That then &c. Sect. 213.

A condition of a Recognisance for Brewing.

THe Condition of this Recognisance is such, that whereas the said A. M. is licensed by us G. F. and R. F. two of the Qu. Majesties Justices of Peace within the said County of D. to brew to sell, and keepe a common Alehouse, according to the statute for brewers, made in 5. yeare of the raigne of our late Soveraigne Lord K. Ed. the firt. If therefore the said A. M. doe brew to sell and keep a common Alehouse, and doe not use, nor suffer any unlawfull games, or evill order within his house, orchard, or garden, but use, maintaine, and keepe good order and rule within the same, according to the Statute, That then &c. Sect. 214.

A condition of an alehouse keeper.

THe Condition of this Recognisance is such, that where the within bounden I. S. is appointed to keep a common Alehouse at D. if the said I. S. doe observe, keepe, and use, or cause to be kept and used, good and honest rule or conversation in the same Alehouse, and do not in the same suppoꝛt and maintaine, or suffer to be kept, exercised or used any unlawfull games and plaies, as at Dice, Cards, Tables, or any other unlawfull games, prohibited by the lawes and statutes of this realme, and specially by mens servants, apprentices, common labozers or idle persons, and also do not keepe tipling, or resort of any persons in the same Alehouse, Sect. 215.

on

on the houres of divine service on the sabbath day, or other festivall dates, and doe not wittingly lodge, support or maintaine in the same Alehouse men or women of evill name, fame or condition, haunters or any other misruled persons, knowing them to be of such sort and condition. And also prepare two honest beds to lodge in such travelling persons as from time to time shall happen to have need of lodging, during the terme that he shal keepe the same Alehouse, that then &c.

A condition to knowledge satisfaction.

Sect. 216. THe Condition &c. That if the within bound T. H. his executors, or administrators, before the end of the next Easter Terme, by him or themselves, or by his or their lawfull Attorney, shall in the Queenes Majesties Court of her common Pleas, confesse or acknowledg satisfaction of all such Judgements and executions, as the said T. H. hath recovered in the said Court against one W. S. late of B. in the county of N. Gentleman, That then &c.

A condition to make goods sold, worth &c.

Sect. 217. THe Condition &c. That where the within bound I. S. the day of the date within written, for the sum of 11. pounds &c. hath bargained, sold & delivered to the within named T. P. divers goods, plate and jewels in a certaine Indenture comprehended, bearing date &c. under a Condition in the same Indenture specifyed: If the said I. S. make default of payment, in the said Indenture mentioned and comprised. And then if all the aforesaid goods, plate & jewels, indifferently praised, be found of lesse value then &c. so that the said I. S. immediately pay, or cause to be paid to the above named T. his heires &c. as much good and lawfull money or other ware, as shall amount to the summe of all that shall be lacking of the said &c. in goods, plate, and jewels afore rehearsed: That then &c.

A condition to find a Curat to serve a Cure.

Sect. 218. THe Condition &c. That if the above bound I. S. his heirs, executors, administrators, or assignes, or any of them, doe well and truly from time to time, and at all times hereafter, at his and their proper costs and charges, find, and maintain one able and sufficient Curat or Minister, which shall well and sufficiently discharge and serve the Cure of the said parish Church of &c. according to the Ecclesiasticall lawes of this Realm, and well and truly discharge, and acquite the said A. from the serving thereof, during all such time as the said A. shall be and continue Parson of the said Parish, That then &c.

A condition to find neceſſaries during life.

THe condition &c. that if the within boũd C. F. his &c. at the only coſts and charges of the ſaid C. F. his executors &c. ſhall & will ſufficient- Sect. 219.
ly and competently find, prouide, and giue, or cauſe &c. unto M. now wife of the within named M. I. during the natural life of the ſaid M. good ſuf-
ficient, and competent houſroome for her dwelling and abiding, and alſo ſufficient and competent lodging, bedding, and wholſome ſuſtenance,
meat, drink, apparell, and all other things meet and requiſite, to and for the ſuſtentation, keeping, and liuing of the ſaid M. during the naturall life
of the ſaid M. that then &c.

A condition to find meat, drink &c.

THe condition &c. That where a mariage is to be had and celebrated Sect. 220.
betweene the within named H. G. of the one party, and one M. S. one
of the daughters of the within bound E. S. of the other party, if the ſaid E.
his heires, executors, and aſſigns, ſhall after the day of the mariage a-
foreſaid, for, and during the terme of iij. years thence next and immediat-
ly following, fully to be complete and ended, finde unto the ſaid H. and M.
and unto one ſeruant of the ſaid H. ſufficient meat and drinke, with con-
uenient bedding and other neceſſaries to the ſame belonging and apper-
taining, when, or as often as they or any of them ſhall repaire, reſort,
abide, or remaine, in, or at the manſion houſe of the ſaid E. commonly
called and knowne by the name of S. or elſewhere, during the terme a-
foreſaid: That then &c.

A condition to leaue his wife &c.

THe Condition &c. That whereas the within bound I. L. ſhall by the Sect. 221.
grace of God, marie and take to wife A. P. widow, if the ſaid I. af-
ter the mariage had and ſolemnized, happen to die before the ſaid A. that
then if the ſaid I. doe leaue the ſaid A. worth an C. li. in money or in mo-
ueables ouer and aboue houſhold ſtuffe, by legacy or otherwiſe, to be deli-
uered by the executors or aſſignes of the ſaid I. to the ſaid A. her executors
or aſſignes within one moneth next after the death of the ſaid I. to be im-
ployed and diſpoſed to the proper uſe of the ſaid A. at her will and plea-
ſure, That then &c.

A condition to leaue his wife ſurviving, goods worth &c.

THe condition of &c. That where the aboue bounden W. B. is by the Sect. 222.
grace of God ſhortly to marry and take to wife P. H. neere kinſwo-
man

man unto the said F. R. and W. B. hath no inheritance, which he may lawfully assure for the Joynture of the said P. nor whereof she is by law to be endowed, and therefore very carefull and willing, that if it please God that the said W. do die before the said P. that he may and shal leave the said P. sufficiently provided for, respecting his ability, and the portion he had by her. And accordingly hath promised to the said F. R. H. S. and F. H. If therefore the said W. B. doe by his last will and testament in writting or otherwise, sufficiently and lawfully provide, without all fraud or practise, that the said P. may have and injoy to her owne use, immediately after the death of the said W. B. if she fortune to overlive him, goods and cattels amounting to the cleer summe and value of &c. above all charges, which she shall and may lawfully possesse & injoy at her wil and pleasure, without any lawfull claime, challenge, or demand to be made by any person or persons, That then &c.

A condition to suffer his wife to make a Will.

Sect. 223. THe Condition &c. That if the within bounden R. P. do permit and suffer one P. D. which the same R. by Gods grace shall take to wife, at any time before her death, to declare and make her will, devise, and give at her pleasure rl. li. of &c. to what person or persons, and unto what use and purpose as she will at her pleasure, And also permit and suffer her executors to prove, declare, and performe the last Will by her made, without veration or interruption, denying, or impediment of the said R. And also if the same R. doe performe, fulfill, observe, pay, and content the said rl. li. so by her assigned, bequeathed, and willed to such person or persons, in such manner and use, and at such dates, and within such time, as by her shall be devised, bequeathed, and willed, without any further delay, that then, &c.

A condition to suffer his wife to give certaine goods during her life, or by will.

Sect. 224. THe Condition &c. That if the within bounden M. B. after marriage had betweene him, and A. widow, late wife to T. B. deceased, doe permit and suffer the said A. to give, bequeath, or appoint by her last will, or otherwise, at any time during her life, goods and cattels, to the value of &c. so that the same gift, bequest, or appointment so to be had and made, shall be good and availeable to the said parties, to whom the said gift, bequest, or appointment shall be so made by the said A. against the said M. B. and his executors, without let, impediment, or disturbance of the said M. B. or of his executors &c. And also if the said M. B. do accomplish, performe and fulfill the said gift, bequest, or appointment having thereof notice and knowledge by the said A. or by her last will, with his own proper goods, according

cco̅rding to the intent and true meaning of a paire of Indentures made
etween the ſaid T. B. of the one party, and N. R. and E. G. of the other
arty bearing date &c. That then &c.

A Condition to paſſe an account, and procure diſcharge for a Sheriffe.

Sect. 225

The Condition &c. That if the above bounden H. P. his heires, execu-
tors, and adminiſtrators, doe make a true and perfect accompt, of and
o̅r the above named T. his heires and executors, in the Exchequer of our
overaigne Lady the Queene, and the heires and ſucceſſors of the ſaid
ueene, of, for, and upon all iſſues, charges, ſum and ſummes, which be or
all bee asked, charged, or demanded, of, or upon the ſaid T. as late She-
ffe of the ſaid County, and get, and procure a ſufficient quietus eſt there-
of for the ſaid F. his heires and executors. And moreover do well and tru-
y diſcharge, ſave or keepe harmeleſſe the ſaid T. his heires &c. againſt
r Soveraigne Lady her heires and ſucceſſors and all other perſon or
ſons of, for, and concerning the ſaid office of Sheriffe, and all the re-
pts and charges thereof, That then &c.

A condition for the executing of a Bailywick.

Sect. 226.

The Condition &c. That if the above bounden I. P. doe well and truly
exercise the ſaid office of Baylife and Collector in the County of P.
by himſelfe, or his ſufficient deputy or deputies, for whom he will anſwer,
during the time that he ſhall continue in the ſame. And do by himſelfe, or
by his ſufficient deputy or deputies for whom he will likewiſe anſwer,
appeare yeerly at all times of the yeere, before the receiver of the Queenes
majeſties ſaid rents, and profits, and revenues for the time being, upon
the precept of the ſaid Receiver, or of his deputy, yeerely, at ſuch time and
place within the ſaid County of P. as the ſame Receiver by his precept
ſhall limit and appoint to the ſaid I. P. And alſo if the ſaid I. P. doe then
pay, or cauſe to be paid to the Queenes uſe, her heires and ſucceſſors, to
the hands of the ſaid Receiver, or to the hand of his deputie or deputies,
all ſuch ſummes of money due to our Soveraigne Lady the Queen, at, or
before the feaſt of E. yeerely, as the ſaid I. P. ſhall or may by any lawful
and due meanes levie, or receive, within or by reaſon of the ſaid office of
Baylife or Collector. And alſo if the ſaid I. P. by himſelfe or his ſuffici-
ent deputie or deputies, do appeare and accompt yeerly before the Queens
majeſties Auditor or Auditors, or the deputy or deputies of the Queens
majeſties Auditor or Auditors, at the audite to be holden within the ſaid

county of Y. or elsewhere, as to him shall be by the same precept appointed, betweene the feast of S. Mich. the archangell, and the Nativity of our Lord God, or after such time and place within the said county of Y. as by the precept of the same Auditor or Auditors or of his deputie or deputies shalbe to him limited and appointed, of, and for all rents, revenues and profits due and payable, within, or by reason of the said office of Bailife and Collector, at, or before the feast of S. Michael the Archangell next before the same Audite. And do well and truly content and pay, or cause to be contented and payed to the Qu. Majesties use, her heires and successors to the hands of the receiver of the said rents, revenues, and profits, all and every such sum and summes of money, as from time to time before the said Auditor or Auditors, his or their deputie or deputies shall be justly found due to the Queenes Majestie her heires and successors, by the said J. Y. or his deputie or deputies, by reason of the said office of Bayliffe & Collector, upon the foot or determination of every such accompt, had & made. And also doe observe, performe, fulfill and keepe from time to time, all things, clauses, and articles touching Bayliffes and Collectors contained and mentioned in the statute for the true answering of the Kings revenues, made in the Parliament holden at Westminster in the vii. yeere of the raign of our Soveraigne King Edward the first. And if it shall happen at any time hereafter during the time that the said J. Y. shall be Bailife and Collector, as is aforesaid, any of the surety or sureties now bounden for the said J. Y. to die, or decay, or shall be misliked and thought not able and sufficient by the Treasurer and Chancellour of the Exchequer for the time being, to answer and pay all such summes due, or to be due, by the said Collector for his said office, according to the true meaning hereof: Then if the said J. Y. doe within one moneth next after the death or decay of any the person or persons above bounden, or after notice to him to be given of such misliking, as is aforesaid, of any the said persons so bound, finde, name, cause, and procure, such able and sufficient person and persons, as by the said Treasurer and Chancellor of the said Exchequer for the time being shall be thought meet and convenient to be surely bound unto our said Soveraigne L. her heires and successors, in the stead and place of him or them so dead, decayed, or misliked and thought insufficient as aforesaid, and in such sum or sums of money, and upon such condition, and in such sort as he or they which so shall be dead, decayed or misliked, as is aforesaid, stood, be, is, or shall be bound at the time or times that he or they shall die, decay, or be misliked & thought unmeet as is aforesaid: And that as often as any such doth decay, or any misliking shall happen during the time the said J. Y. shall remaine and be baylife or collector of the premisses as is aforesaid: That then this Recognisance to be void and of none effect, or else &c.

A Condition to exerciſe a Bayliwick.

THe condition &c. That if the within bounden I. A. well and truly exercise and occupy the office of the Bailywick of the hundred of C. under the within named E. T. being sherife of E. and be ready and attendant to the said Sherife and his deputy, at all times when he shalbe required, in executing his said office of Sherifewick, and discharge and save harmeleſſe the said sherife against our Soveraigne &c. and all other persons, for executing of all manner of proces, precepts, warrants and commandements to be directed, executed, and done by the said I. and of all prisoners as shall be in his custody, and well and truly content and pay to the same Sherife, his executors, or assignes, all the issues, revenues, and profits of the said hundred, whereof the certainties amount to the sum of iiij. li. by the confession of the said bailife, to be paid duly at the feast of E. &c. and also levy, content and pay to the said sherif, all such greene war, pipe silver, and issues as the said sherife shall be charged with in the said hundred, as shall be extreated out to the said Baylife to gather, to be paid to the said sherife at the said feast &c. That then &c. Sect. 227

A Condition to reſigne a Vicarage.

THe Condition &c. That if the within bounde E. S. within one month next after requeſt to him to be made by the within named W. C. or his certain Atturney, doe well and sufficiently reſigne the vicarage perpetuall of the Church of D. in the county of E. in the dioces of L. and C. into the hands of the Ordinary of the said place for the time being, to the intent that the said Ordinary shall institute and induct the said W. or such other person as the said W. shall for that purpose name Vicar of the said Vicarage, That then &c. Sect. 228.

A Condition to renew ſureties.

THe Condition &c. That if the within bounden I. P. and T. D. or one of them, their heires, executors, &c. doe well and truly content and pay or cause to be contented and paied unto the within named W. P. his executors &c. the summe of xx. li. &c. in manner and forme following &c. And further, if at any time hereafter before the said sum of xx. li. be fully paid, as is aforesaid, it shall happen the said I. P. and T. C. or either of them to die: Then the survivor of the said I. and T. together with one good, able, and sufficient person or surety, shall instead of him that shall so depart, within three moneths next after the death of him that shall so depart, become and stand bound to the said W. P. his executors or assignes, by another good and sufficient writing obligatory, for the payment Sect. 229.

of the ſaid yr. li. or ſo much thereof, as ſhall then be and remaine unpayed in ſuch manner and forme, to all intents and purpoſes as are contained in this preſent obligation, (the ſaid W. his executors or aſſignes, upon the ſealing and delivery of the ſaid new writing obligatory, delivering out the old obligation then remaining, to be cancelled) That then &c.

Defeaſances.

A Defeaſance of an Obligation.

Sect. 230. THis Indenture made &c. Between E. W. and W. W. Witneſſeth, that whereas the ſaid W. W. ſtandeth bound unto the ſaid E. W. by one Obligation, Bond, or writing Obligatory, bearing the date hereof, in the ſumme of 200. pounds payable at the feaſt of Eaſter next inſuing the date hereof, as thereby appeareth: That yet nevertheleſſe, the ſaid E. W. is contented and for himſelfe, his executors, and adminiſtrators, and every of them, doth covenant, grant, promiſe and agree, to and with the ſaid W. W. his heires &c. by theſe preſents, that if theſe ſaid W. W. his &c. do well and truly pay, or cauſe to be payed unto the ſaid E. his &c. C. li. of &c. upon the feaſt day of the aſcenſion of our Lord God, which ſhall be in the yeare of our Lord God 1599. in the ſouth porch of the parish church of R. in the County of Y. That then and thenceforth the ſaid Obligation, Bond, or writing obligatory to be utterly void and of none effect in the Law, or elſe to ſtand, and remaine, and be &c. In witneſſe whereof the ſaid parties to theſe preſent Indentures interchangeably have ſet their hands and ſeales the day and yeare firſt above written.

A Defeaſance of a recogniſance for the payment of money at ſeverall daies.

Sect. 231. THis Indenture &c. Witneſſeth, that whereas R. W. of D. in the countie of E. yeoman, and I. L. of C. in the county aforeſaid yeoman, by a certaine recogniſance provided for the recovery of debts taken, recognized and ſealed before S. C. W. knight, chiefe Juſtice of the Kings Bench, bearing date the day of theſe preſents, ſtand and be joyntly and ſeverally bounden unto T. L. of C. in the county of E. yeoman, in the ſum of C. li. ſterling, to be paied as in the ſame recogniſance thereof made, more plainly

tinely doth appeare: Nevertheleſſe, the ſaid T. for him, his heires and executors willeth and granteth by theſe preſents, that if he the ſaid R. and their heires, executors, and aſſignes, or any of them, doe truly content & pay, or cauſe to be contented and payed unto the aforeſaid T. his heires, executors, or aſſignes the ſum of xl. li. of good and lawfull money of England, in manner and forme following: That is to ſay, In the feaſt of &c. v. li. at the dwelling houſe of the ſaid T. where he now inhabiteth: And the firſt day of May &c. v. li. at the ſaid houſe, and ſo forth from yeare to yeare, and halfe yeare to halfe yeare every firſt day of May next and immediately inſuing one another, at the houſe of the ſaid T. as is aforeſaid. v. li. untill the ſaid ſums of xl. li. be fully contented and paid, that then, &c.

A Defeaſance to make a leaſe according to an old Leaſe thereof and for quiet occupation thereof.

THis Indenture &c. Betweene T. W. and B. his wife, and G. M. of &c. Sect. 232.
Witneſſeth, that where the ſaid G. M. by his deed indented, bearing date the 28. day of M. in the fourth yeere of &c. have demiſed, granted, and to farme letten unto the ſaid T. W. and B. his wife, all thoſe his ſheepe paſtures, leaſes, feedings, and commons, ſet, lying, and being in the manors of D. and N. in B. in the county of N. with all and ſingular &c. To have, hold, and occupy the ſame to the ſaid T. W. and B. their executors and aſſignes, from the day of the date of the ſaid deed indented, for and during the terme of 21. yeeres thence next following, as by the tenor of the ſame deed indented more plainly it doth appeare. And whereas the ſaid G. M. perſonally ſtandeth bound before the Queens Majeſtie, in her high court of Chancery by a Recogniſance there acknowledged, bearing date &c. unto the ſaid T. W. and B. his wife, in the ſumme of &c. as by the tenor of the ſame Recogniſance inrolled in the ſaid Court, doth and may more plainely appeare: It is therefore covenanted, condeſcended, fully concluded and agreed betweene the ſame parties, and the ſame T. W. and B. his wife for themſelves, their &c. doe covenant and grant, to and with the ſaid G. M. his &c. that if the ſaid G. M. his &c. within one yeere next after the full end, expiration, and determination of the ſaid xxj. yeeres, and after a reaſonable and convenient requeſt to the ſaid G. M. his &c. had and made by the ſame T. W. and B. his wife, or any of them, or the heirs of them, or any of them, make, ſeale, and deliver, or cauſe to be made, ſealed, and delivered, a good, ſufficient, ſure, and indefeaſible new leaſe of the ſame ſheepe paſture &c. unto the ſame T. W. and B. his wife or the longeſt liver of them, if either of the ſame W. or B. then fortune to be dead, to have and to hold the ſame, for, and during the terme of xx. yeeres next inſuing

insuing with onely such and no more rent reserved for the same, and such like, and no more, nor other articles, agreements, or covenants, then be contained in the Indenture afore mentioned (the names of the parties thereunto, the date and expiration of the same new lease, & other things of course, and not of substance or effect onely to be changed and altered in the same, and by the assent or mutuall agreement of both the parties to the same, according to the true meaning and intent hereof.) And also if the same T. W. and B. their heirs &c. shall quietly have, hold, occupy, and enjoy the same premisses, by all the time of the terme of the said rr. years according to the tenor of the new appointed lease, paying such rent as is reserved and contained in the same Indentures, without any lawfull ejection or disturbance of the said G. P. his heires or assignes, or any other by him, his, or any of their procurement or commandement, that then &c.

A Defeasance of a Statute staple for debt.

Sect. 233. THis Indenture &c. Between E. C. of &c. and I. A. I. B. and I. G. of the other party Witnesseth, that whereas the said I. A. I. B. & I. G. by one writing of Recognisance, bearing the date hereof, made according to the statute provided and set forth for the recovery of debt, sealed, taken and acknowledged before sir T. D. kn. Maior of the staple at West. and W. F. esquire Recorder of the City of L. are and stand jointly and severally bound to the said E. C. in the sum of C C. li. of lawfull money &c. as by the same writing or recognisance appeareth. Nevertheless, it is agreed betweene the said parties, and the said E. C. is contented and pleased, and by these presents, for him, his executors, &c. doth covenant &c. to and with the said I. A. I. B. I. G. and every of them, their &c. in manner and forme following, that is to say: that if the said I. A. I. B. and I. G. or any of them, or &c. doe well and truly pay, or cause to be paid unto the said C. C. his &c. the summe of C. li. of &c. at, or in the now dwelling house of C. C. in the county of S. in, and upon the 4. day of &c. (if the said I. C. and E. C. daughter of the said G. C. or either of them shall be then living in this transitory life,) That then the said writing or Recognisance of &c. shall be utterly void and of none effect, as though the same had never been made. In witnesse etc.

A defeasance of a Statute knowledged before the chief Justice of the common Pleas.

Sect. 234. THis Indenture, etc. Between E. W. of &c. and W. W. of &c. Witnesseth that whereas the said W. W. standeth bound unto the said E. W. by one statute, recognisance, or bond bearing date hereof, knowledged before

r E. A. knight, Lord chief Iuſtice of the common Pleas at Weſtmin-ter, in the ſum of CC. pounds, payable at the feaſt of Eaſter next in-ing the date hereof, as thereby appeareth: That yet nevertheleſſe, the id E. W. is contented, and for himſelf, his executors &c. and every of hem doth covenant, grant, promiſe, and agree to, and with the ſaid W. W. his heirs, &c. that if he the ſaid W. W. his heirs &c. do well and truly ay or cauſe to be, paid unto the ſaid E. his executors &c. one hundred ounds &c. upon the feaſt day of &c. in the South porch of the pariſh hurch of ſaint D. ſituate in Fleet-ſtreet in London, That then &c.

In like manner may all other Defeaſances of Statutes Merchant and ſingle Recogniſances knowledged in the Chancery, or elſewhere be made, *Mutatis Mutandis*. And ſo we think we have ſufficiently diſcourſed of the ſundry forms of Conditions, and Defeaſances of Obligations and Recogniſances: unto which, Feoffements ſeem by good right worthy to be next placed.

Feoffements.

Of Feoffements, and what a Feoffement is.

Sect. 235. 6

A Feoffement, Feoffamentum or rather Feuſamentum, for it ſeemeth to be derived of Feudum, a Gottiſh word, ſo called à fide vel fidelitate, which is defined of the Civill Lawyers, A loving and free graunt of a thing either immoveable, or of like nature, by transferring of the ſeiſe and profit thereof, retaining the very property under the doing of fealty, and other ſervices. And of ſome it is ſaid to be a kind of protection or patronage, ſafegard, or homage, whereby ſome dignity, penſion, or ground, is in ſuch manner given or granted to any man, that he and his heires and poſterity ſhould for ever acknowledge the author of the ſame good turne, and worſhip him as their Patron or Lord, and defend his perſon, honour, lands and goods &c. By which I gather, that Feoffamentum generally ſignifieth donationem feudi. But with us it is properly any gift or grant, of any honors, caſtles, mannors, meſuages, lands, or other corporall immoveable things of like nature, to another, and his heires for ever, by the delivery of ſeiſin and poſſeſſion of the thing given, whether the gift be made by word or writing. And when it is by writing, it is called a deed of Feoffement. And in every Feoffement the giver is called the feoffor, feoffator: and he that receiveth by vertue thereof, the feoffee, feoffatus: As in theſe examples following.

A feoffment of lands descended.

Sect. 236. SCiant &c. quod ego I. N. de P. in comitatu N. yeoman, filius & hæres R. N. nuper de P. prædict' defunct, vendidi, concessi, et hac præsenti charta mea confirmavi W. F. decem acras terræ cum pertinentiis, jacen' et existen' in villa et parochia de B. in comitatu prædict' viz. inter terram &c. quæ quidem decem acr' terr' cum pertinen' nuper fuerunt prædict' R. N. patris mei, & quæ per et post mortem ipsius R. mihi præf' I. ut filio et hæredi ejusd. R. jure hæreditario descendebant. Habend' et tenend' prædict' decem acras terr' cum pertinentiis præf. W. hæredibus et assignatis suis in perpetuum de capitalibus dominis feodi illius, per servitia inde debita, & de jure consuet. ad opus et usum dicti W. hæred' et assignatorum suorum imperpetuum. Ego vero præf. I. et hæredes mei prædict' decem acras terr' cum pertinentiis præf. W. hæredibus et assignatis suis, contra omnes gentes warrantizabimus imperpetuum per præsentes, in cujus rei &c.

A Feoffment of lands purchased according to an Indenture &c.

Sect. 237. SCiant &c. quod ego I. P. ad instantiã & requisitionẽ W. F. ac in complementum & executionem certarum conventionum & concessionum contentar' et specificat' in quibusdam Indentur' gerentibus datum quarto die I. ultimo præterito ante datũ præsentium, factis inter me præfatum I. ex una parte, et prædict' W. ex altera parte, dedi, concessi, et hac præsenti charta mea confirmavi eidem W. totum manerium meum de D. in S. cum pertinentiis in comitatu E. una cum omnibus terris et tenementis, pratis, pascuis, pasturis, boscis, et subboscis, redditibus, reversionibus, et servitiis, et omnibus his pertinent' eidem manerio spectantibus sive pertinentibus, quæ ego præf. I. nuper habui mihi, hæredibus et assignatis meis, ex dono et feoffamento N. K. Habendum et tenendum totum &c. *ut supra.*

A feoffment in fee with a letter of attorney.

Sect. 238. SCiant præsentes ex futur', quod ego W. H. generos. dedi &c. W. C. manerium meum de T. &c, Habend' et tenend' prædictum manerium cum omnibus &c. præfat' W. C. et I. S. hæredibus et assignatis suis imperpetuum. Et ego vero prædict' &c. Et ulterius sciant me præfat' W. fecisse, ordinasse, constituisse, et in loco meo posuisse dilectos mihi in Christo R. F. et W. S. meos veros et legitimos Attornatos, conjunctim et divisim, ad intrand' et possessionem capiendam pro me, et in nomine meo, de, et in prædict' manerio, terris, tenementis, reversionibus, et servitiis, cũ omnibus suis pertinentiis, et post hujusmodi possessionem sic inde captam et habitam, deinde pro me et in nomine meo, plenam et pacificam possessionẽ et seisinam inde præfato W. et I. aut eorum in hac parte attornat' sive attornatis deliberandum, secundum

n tenorem, vim, formam, et effectum hujus præſentis chart' meæ: Ratum gratum habens et habiturus totum et quicquid præd' Atturnati mei ſeu um alter nomine meo fecerint, vel alter eorum fecerit in præmiſſis. In us rei &c. Dat' &c.

A Feoffment in fee on a decree in the Chancery.

Ciant &c. q ego I. B. ad inſtantiam et ſpecialem requiſitionem R. P. nec- Sect. 239.
on vigore et auctoritate cujuſdã decret' ſuper petitionem eiſdem R. P. Cancel' domin' Regin' de et ſuper maner' de L. cum pertinent' in Com E. ſus me habit': Tradidi, dimiſi, liberavi, et hac præſenti charta mea confir- i eidem R. prædict' maner' cũ pertinentiis præfat' R. hæredibus et aſſig- ſuis in perpetuum ad uſum ejuſdem I. hæred' et aſſignatorum ſuorum, ſe- dum vim, formã & effectum decreti præd. Habendum et tenendum &c. in s rei teſtimonium.

A Feoffment of the moity of a Manor recovered by a writ of Entrie in the Poſt.

Ciant &c. quod ego I. D. pro ſumma quadraginta lib. &c. mihi per R. F. Sect. 240.
præ manibus ſolut', de quibus quidem xl. li. fateor me plenarie fore ſatiſ- am et perſolutum, dictumque R. hæredes, executores, et adminiſtrato- ſuos inde eſſe acquietos et exoneratos per præſentes, Dedi, conceſſi, et præſenti charta mea confirmavi eidem R. medietat' maner' de S. cum inentiis ac unius meſuag', unius gardini, xx. acras terr' x. acr' prati, xl. acr. ur' et xx. ſolid' reddit' cum pertinentiis in T. &c. C. in com E. Quã quidẽ dietatem omnium et ſingulorum præmiſſorum cum pertin', ego præd' D. in curia domin reg' coram I. B. milite, et ſociis ſuis Juſtic' iptius dom' apud W. nuper recuperavi verſus N. P. et L. uxor' ejus, per breve dict min' reg' de ingreſſu ſuper diſſeiſinam in le poſt, prout inter record' de mino S. Hillarii, anno regni Henrici viij. &c. plenius apparet: Habendum tenendum totam præd' medietatem dictorum maner', terr' et tenemento- , ac cæterorum præmiſſorum cum ſuis pertinentiis præf. R. hæredibus et gnatis ſuis in perpetuum &c. *ut in aliis chartis præcedent.*

A Feoffement in fee of lands by executors, &c.

OMnibus Chriſti fidelibus ad quos hoc præſens ſcriptum pervenerit, Sect. 241.
W. et I. executores teſtamenti R. W. &c. Salutem in domino ſempi- nam. Cum prædictus R. per teſtamentum lectum et proclamatum in ſtingo London' certo die &c. proxim poſt feſtum Sanct' Barnabe, anno . H. viij. &c. xix. dederit et legaverit I. uxori ſuæ tria tenementa ſua cum rtin' quæ habuit in dicta Civitate, unde unum tenementum ſituatum eſt et

jacet

jacet in parochia S. Mar. virginis *in Fanche ſtreet*, inter tenementum &c. et aliud tenemẽtum ſituat' eſt etc. et tertium tenementum ſituatum eſt etc. Habend' et tenend' prædicta tria tenemẽta cum ſuis pertinentiis præfat. I. ad terminum vitæ ſuæ. Et poſt deceſſum prædict' I. voluit et legavit antedictus teſtator, quod prædict' tria tenementa cum pertinentiis Agnet' fil' hæred' de corpore ſuo legitimè procreatis integrè remanerent, et pro defectu hæredis de corpore ejuſdem Agnet' legitimè procreati, voluit et legavit prædictus teſtator, quod prædicta tria tenementa cum ſuis pertinentiis, nobis prædictis W. et I. et executoribus noſtris integrè remanerent ad vendend' et pecuniam ſuam inde percipiendã in operibus charitatis diſponend', prout in eodem teſtamento plenius continetur. Et quia prædictus I. obijt, et prædictus A ſimiliter ſine hæredibus de corpore ſuo legitimè procreat' deceſſit: Sciatis nos præfat' W. et I. et executores dicti teſtamenti præfat' R. authoritate dicti teſtamenti, dimiſiſſe, conceſſiſſe, et hoc præſenti ſcripto noſtro confirmaſſe, ac pro quadam pecuniæ ſumma inde in complecmentum executionis dicti teſtamenti præ manibus ſolut', vendidiſſe R. L. de Lond' Civi et Mercatori London', prædict' tria tenementa cum ſuis pertinentiis, Habendum et tenendum eidem R. hæred' etc. In cujus rei eſc.

A feoffement in London.

Sect. 242. SCiant etc. quod nos C. T. et K. T. dimiſimus et feoffavimus W. R. filio W. R. I. W. et I. B. de Lond' duo' tenementa noſtra cum domibus, cellarijs, ſollariis, grandinis, et omnibus aliis ſuis pertinentiis ſituatis in vico vocat' S. M. in parochia ſanct' A. ſuper Cornehill Lond', ſcilicet inter etc. Quæ quidẽ etc. cũ ſuis pertinentiis nos præd' C. T. et K. T. nuper habuimus cõjunctim, ex dimiſſione et feoffament' præd' W. R. filii dicti W. R. et I. B. fratris eius, prout in quadam charta per præfat' W. R. et I. B. inde nobis cõfecta, cuius datum eſt etc. continetur. Habendum et tenendum prædicta tenementa etc. Dat, etc.

A feoffement in fee of an hundred.

Sect. 243. OMnibus Chriſti fidelibus ad quos præſens ſcriptum pvenerit R. R. Moles ſalut' in dn'o. Cum dn's rex nunc 31. die Maii. anno regni ſui 25. per literas ſuas patentes dederit et conceſſerit mihi præfat. R. R. inter alia Hundred' de B. in comitatu E. cum' omnibus juribus, finibus, amerciamentis, wrec'maris, et aliis emolumentis et commoditatibus eidem Hundred' debit' ſpectantibus ſive pertinent' quoviſmodo: Habend' et tenend' hundred' præd', ac cætera præmiſſa cum pertinen' mihi præf. R. R. hæred' et aſſignatis meis de dicto dno' rege et hæred' ſuis, per ſervitia inde ab antiquo debita et de jure conſueta in perpetuum, prout in eiſdem literis plenius cõtinet'. Noveritis me præf. R. R. per præſentes, dediſſe, conceſſiſſe, et confirmaſſe

aſſe,& virtute et authoritate licentiæ mihi per dictum dominum regem, er dictas literas ſuas patentes conceſſ' reverend'in Chriſto patri et d̄no R. ermiſſione divina B. et W. epiſcopis R. L. militi, R.B.I. H. civibus & Al-ermanis London', & W. C. ſervienti meo prædictum hundredum de B. um omnibus &c, Habend' et tenend' idem hundred' &c,ac cetera præmiſſa ū pertinent,præfat' epiſcopo R. L. R. B. T. H. et W. C. hæredibus et aſſig-atis ſuis, de dicto domino rege et hæredibus ſuis, per ſervitia inde ab anti-o debita,et de jure conſueta imperpetuum. Et ego vero &c.warrantizabi-us &c.et ulterius noveritis me præfat' R, R. per præſentes, feciſſe, conſti-iſſet in loco meo poſuiſſe dilectos &c.

A Feoffement in fee to the huſband and wife.

Ciant &c. quod ego R. B, dedi &c. A. T. de eadem et E. uxori ſuæ,totū illud meſuag'meum quod egohabeo in dicta villa de S,ſituatum &c, Ha-endum et tenendum &c. In cujus &c. Sect. 244.

A Feoffement in fee of copihold lands.

OMnibus &c. T. B. Miles dominus manerii de W. in com'E. ſalutem in domino ſempiternam. Cum I. M. ad Curiam tentam apud maner' de W. prædict' die Lunæ proximo poſt feſtum S. Hill' Epiſcopi, anno &c. præ-ens in cur'ſurſum reddidit in manus dōini manerii prædict' duo tenementa ereditabilia, unde unū eſt cum domibus edificat', et aliud tenementum non dificat',ac cert' terr' mariſc' eiſdē tenementis ſpectant'cū omnibus ſuis per-inentiis,quondā vocat H. jacent' in W. præd' ad opus W. T. et uxori ejus,et ered' ſuorum. Quibus dominus per Seneſchallū ſuū conceſſit inde ſciſinā enendū eiſdem W. et I. uxori ejus,hæred'et aſſign'per virgam ad voluntatē omini ſecundum conſuetudin.ē manerii, per ſervitia et conſuetudines inde ebita et de jure conſueta imperpetuum,prout per rotul'curiæ prædict'latius. atet,poſteaq; præd' I. obiit vivente præd' W. viro ſuo,et idem W. legitim oſſeſſionat' exiſtens, de, et in prædict' duobus tenementis ac ceteris æmiſſis ut prædict' eſt in forma prædict' eadem duo tenementa ac cætera æmiſſa cū eorū pertinent' in manus meas nup. ſurſūreddidit, ad intention-m quodego prædicta duo tenemēta ac cætera præmiſſa cū ſuis pertin.ēciis, p hartā meā ſigillā cuidā R. T. demittere,trader' liberarē,et confir'ſup. quo ciatis me præfat' T. B. pro quadā pecuniæ ſūma &c. dimiſiſſe,tradidiſſe,libe-aſſe,et hac præſenti ſcripto meo indentatio cōfirmaſſe præfat' R. D. prædict' uo tenemēta,ac præd'terr' et mariſc'eiſdē tenemētis ſpectāt'cū omnibus ſuis inētiis,Habendū &c. præfat' R. D. hæred'et aſſignatis ſuis liberè, quietè, enè,et pacificè per chartam imperpetuum, reddendo inde annuatim mihi Sect. 245.

præ-

præfat T. B. et hæredibus et assignatis meis dominis manerii prædicti pro tempore existen', decem solid' legalis monet' Angliæ ad festa Pasch' et S. Mich. Archang. per equales portiones, et sectam curiæ in manerio meo præd' cum acciderit, ac etiam ultra hoc reddendo ad quālibet alienationē seu venditionem prædict' duorum tenementorum, ac cæterorum præmissorum prædict' mihi et hæredibus meis dominis manerii prædict' pro tempore existen' viij. s. legalis monetæ Angliæ pro omnibus reddit, servitiis et demandis quibuscunque, ita quod si et quoties contingit prædict' annualem reddit' x. s. aut præd' reddit' viij. s, aut dictam sectam cur', cum ut præfertur solvi debeat, aretro fore in parte vel in toto post aliquē terminum solutionis inde prælimit' contra formam prædictam, quod tunc et toties bene et liceat et licebit mihi præfat' T.B, hæred' et assignatis meis dominis manerii prædicti pro tempore existen', in prædict' duo tenementa, terras et mares' præd' et in quamlibet inde parcellam intrare et distringere districtionesque sic ibidem captas licite asportare, abducere, effugare, decariare, et penes se retinere, quousque præd' reddit' sic aretro existen', et inde omnia arrerag' si quæ fuerint, nobis plenariē fuer' satisfact et persolut. Ac insuper noveritis me præfat. T. B. fecisse, ordinasse, &c. *ut in aliis chartis.*

A Feoffement of lands in ancient demesne recovered there by fine.

Sect. 246. SCiant &c. quod ego I. D. vendidi, dedi, concessi, et hac præsenti charta mea confirmavi I. S. illas tres toftas terræ cum pertinen' voc' C. prout insimul jacent apud H. infra parochiam de H. in com' E. viz. inter terras &c. Ac etiā quendā annualē reddit' trium solidorū et novē denariorū, levād et percipiend' de tenement' sequent' scilicet de R. B. pro uno tenemento et certa terr' in H. vocat' G. ij. s. vj. d. et de N. P. pro uno tenemento et uno gardino adjacente in H. præd' vocat' P. xv. denar' ad duos anni termin', viz. ad festa pasc, & S. Mich. per equales portiones annuatim solvend', quæ nuper habui á T. M. et A. uxore ejus, virtutē cuiusdā finalis concordiæ fact' in Curia dominæ K. reg. Angl' præchariss. consortis H- viij. Dei gratia Angliæ &c. maner' sui de H. ibidem tenta decimo die Februar' anno regni dicti domini regis 35. corā A. B. & C. D. ballivis ipsius reginæ maner' sui prædict', ac P. D, R. C. I. W. et E. K. sectatoribus curiæ illius, inter me præfat' I. D. quer' et prædict T. M. et A. jam uxor' eius deforc', prout in fine præd. liquet manifestē. Habendum &c. *ut in aliis chartis.*

A Feoffement to the intent to reinfeoffe.

Sect. 247. SCiant &c. quod ego M. C. dedi &c. W. B. totum illud messuagium &c. Habend' &c. præfat. W. B. et hæredibus suis &c. ad eam intentionem quod

nod idem W.B. aut hæredes ſui infra decem dies proxim̃ ſequent' poſt datũ ujus preſentis chart' meæ, refeoffabit ſeu reſeoffari faciet me prefat' M.C. ac uoſdam I. K. et A.C. quam quidem A. idem I, Deo favente ducit in uxorẽ, de in prædicto meſuagio &c. Habend. &c. mihi prefat' M.C. et aſſignatis meis d ſolũ uſum mei ipſius M. pro termino vit' meæ, abſq; impetitione alicujus ſti. Et poſt deceſſũ mei ipſius M. tunc habend' et tenend' prædictum meſua- ium &c. præfat I. K. et A. et eorum utriq; diutius viventi et hæred' maſcu- s de corpore ipſius I. K. legitimè procreat' ad ſolum uſum ipſorum I. et A. et orũ utriuſque diutius viventis et hæred' maſculis de corpor' dict' I. legitim̃ rocreat' itaq; pro defectu hæred' maſcul' de corpor' dict' I. legitimi procreat, ræd' meſuagium &c. poſt deceſſũ ipſor' I. et A. integre remanet mihi pre- t' M. et hæred. meis imperpetuum &c. *ut in aliis chartis*.

A refeoffement.

SCiant &c. quod nos T. P. et W. S. ad ſpecialẽ inſtantiã I. M. dimiſimus Sect. 248.
tradidimus, feoffavimus, liberavimus, et hac preſenti charta noſtra con- rmavimus eidẽ I. ac M. uxori ejus totũ illud meſſuagiũ &c. Quod quidem eſſuagiũ cũ prædictis duobus acris terræ cũ pertinentiis, nos prænominati . P. et W. S. nuper conjunctim habuimus nobis et hæred' noſtris imperpe- um ex dono, conceſſione, feoffamento, et chart' confirmation, I. M. prout i quadam charta cujus datum eſt primo die Auguſti ultimo præterito, ante æ' præſentium inde nobis confect', plenius apparet, Habend' &c. In cujus i teſtimonium &c.

A feoffemant of lands given by Teſtament.

SCiant &c. quod ego I. M. dedi, conceſſi, et hac præſenti charta mea in- Sect. 249.
dentata confirmavi T. P. et W. S. unũ meſuag' &c. Quod quidẽ meſuagiũ c. nuper fuer' N. F. defuncti. Et quod idẽ N. per ſuũ teſtamentum et ulti- ã voluntatem factũ et declaratũ in ſcript', ſecundum formam ſtatuti inde roviſi, mihi præfato I. et hæredibus meis nuper dedit et legavit, prout in eſtamento ultimæ voluntatis prædictæ, cujus dat' eſt primo die Maii, anno Domini &c. et anno regni Henrici octavi Dei gratia &c. plenius continetur. Habend' ſub forma et conditione ſequentibus, viz. quod prædict' T. B. et W. . vel hæredes aut aſſignati ſui cum inde requiſit' fuer', refeoffabunt me præ- atum I. M. ac quandam M. uxorem meam, de, et in prædicto meſſuagio &c. Habendum et tenendum nobis præfat' I. et M. ac hæredibus et aſſignatis me- prædict' I imperpetuum.

In cujus rei teſtim̃ uni parti preſentis chart' meæ indentat' penes præfat' I. et W. remanent', Ego prædict' I. M. ſigillum meũ appoſui. Et quia idem ſi-

gillum

lum meum quã pluribus eſt incognitum, ideo ſigilla honeſtorum virorũ R. R. R. S. et E. K. teſtiũ in teſtamento et ultima voluntate prædict' N. F. nominator', et ſpecialiter vocat', præſentibus appoſui et apponi procuravi. Et nos prædict' R. R. et E. ad ſpecialem inſtantiam et perſonalem rogatum prædict' I. M. præſentibus ſigilla noſtra appoſuimus in fidem et teſtimonium omniũ præmiſſorum. Alteri vero inde parti penes me præfat' I. M. reſidenti, prædict' T. P. et W. S. ſigilla ſua appoſuerunt, Dat. &c.

A Feoffement of a Manor.

Sect. 250. OMnibus Chriſti &c. ad quos &c. pervenerit, E. N. Miles, cancellarius Curiæ augmentationum Coronæ domini regis, Salutem in Domino ſempiternam. Sciatis quod ego præfatus E. N. virtute, vigore et auctoritate licentiæ reg. ad infraſcript' faciend' præmiſſ. habet' et obtent', ac pro quadam pecuniæ ſumma mihi præfat' E. per I. W. Milit' Theſaurar' Curiæ prædict' præ manib' bene et fideliter perſolut', tradidi, feoffavi, vendidi, baganizavi, et hac præſenti charta mea confirmavi, I. W. totũ illud maneriũ meum de R. in comitatu O. cum ſuis mẽbris et pertinentiis univerſis nuper Monaſterio de S. dudum ſpectant' et pertinentibus. Necnon patronat', advocation', nomination', præſentation', et jus patronatus eccleſiæ et rectoriæ de R. in comitatu O. dict' nuper Monaſterio de S. dudum ſpectantia et pertinentia, ac etiam omnia et ſingula maneria, meſuagia, grangia, molendina, domos, ædificia, hortos, columbar', pomar', gardina, terras, tenemẽta, prat', paſtur', et paſcua, boſcos, ſubboſcos, vias, comunias, aquas, piſcat', ſtagna, vivar', eſtuar', parcos, warren', vaſta, moras, jampn', bruer', mariſcos, tam ſalſos quam dulces, reverſiones, ſervic', reddit', et proficua ſuper quibuſcunque dimiſſionibus et conceſſionibus reſervat', reddit' et firm' omnium tenementorum et firmariorum ad terminum vitæ et annorum per copiam Curiæ et cuſtomar', reddit', ſervic', redit' oneris, redit' ſiccos, annuitates, ac feod' firm', feod' militũ, cur' letas, viſ. franc' pleg', ac omnia quæ ad viſ franci pleg' ꝑtinent, nativos, et villanos cũ eorum ſequel', et bona et catalla waviata, bona et catalla felon' et fugitivorum, utlagatorum, attinctorũ, et in exigendis poſit', eſchaet', relevia, extrahur', libertates, franchef jur. jurisdictiones, privilegia, et omnia alia proficua, commoditates, poſſeſſiones, et hæreditamenta mea quecunq; cũ eorũ pertin' univerſis, ſituat' jacent', et exiſtent' in villa, campis, parochia, ſeu hãlet' de R. parva in dicto com̃ O. Ac etiã reverſiones et reddit' omniũ et ſigillor' præmiſſor' et cujuſlibet inde parcell', ac omnes et ſingulos boſcos et ſubboſcos, et arbores quaſcunq; ſuper eiſdem creſcent' ſive exiſtent', Adeo plenè, liberè et integrè, ac in tam amplis modo et forma, ac cum omnibus eiſdẽ et hujuſmodi et conſimilibus libertatibus, privileg. jurisdictionibus, franchefijs, juribus, proficuis et commoditat' quibuſcunque

ſcunq; prout dictus Rex nunc Hen' octavus Dei gratia &c. per lras ſuas
entes ſub magno ſigill' ſuo Angliæ confectas, gerentes datū apud Weſt-
naſteriū decim octavo die &c. anno regni ſui &c. mihi præfat E.N. ac hæ-
libus et aſſignatis meis jamdudū inter alia dedit et conceſſit, et adeo ple-
libere, integre, et in tam amplis modo et forma, prout præmiſſa aut
quam inde parcell' modo habeo, ſive habere debeo, ratione, vigo-
et virtute dictar literarū parentium inde mihi ut præfertur confect.
aliter quocunq; modo. Habend', tenend', et gaudend' præd' manerium de
et prædicta meſuagia, terras, tenementa, prata, paſcua, paſturas, reddit, re-
ſiones, ſervitia, advocatiões, &c. ac cætera omnia præmiſſ. ſuperius expreſſa
ſpecificat, cum eorū ptinen' univerſis præfato I. W. ac hæred' & aſſign'
imperpetuū, ad ſolū et proprium opus et uſum ipſius I. W. hæred' et aſ-
' ſuorum imppetuum, Reddēdo inde annuatim dicto domino regi, hære-
ibus et ſucceſſoribus ſuis x. li. bonæ et legalis monetæ Angl', ad dictam
Curiā Augmentationum revēc Coronæ Regiæ, ad feſtum ſancti Mich. arch-
el' ſingulis annis ſolvend' pro omnibus aliis ſervitiis, ſectis, et demandis
uſcunq; eidem domino Regi, hæredibus vel ſucceſſoribus ſuis quoviſmo-
eddend', ſolvend' vel faciendis, Tenend' &c. In cujus rei &c.

Livery of ſeiſin.

ALbeit deeds of feoffement thus made bee ſealed and delibered by the Feoffor unto the Feoffee, and openly read, yet the things in ſuch Charters contayned, paſſe not without Liverie of poſſeſſion and ſeiſin, Lit. ſect. 59. & 60. For no feoffement can be made without Livery of ſeiſin. It is meete therefore I ſhould ſhew what Livery of ſeiſin is, and to what end it was invented, and how it ought to bee made. It is termed in Latine, Traditio poſſeſſionis, inveſtitura, vulgo deliberatio ſeiſinæ, which is nothing elſe, but datio poſſeſſionis, for Tradere non ſignificat rei proprietatem dare, ſed rem ipſam acquirenti porrigere ejuſve poſſeſſionem ad illum transferre: wherefore wee may well define Liverie of ſeiſin to be a ceremony in our Law, uſed in the conveying of lands or tenements, or other things corporall (for of things incorporall no liverie of ſeiſin may be) by feoffement from one man to another in fee ſimple, fee taile, or for the terme of life, as an agreement or token of the willingneſſe of the Feoffor to depart with, and the feoffee to receive the things whereof the feoffement is made. Which Sect. 251.

was

was ordained at the first, that the common people might thereby have notice of the alteration of such estates, and so better know in whom the right thereof remained for their common quiet and repose, Perkins 209. 210. Bract. li. 2. cap. 18. sect. 12. The usuall manner of delivery of seisin of houses, lands, tenements, is, that the feoffor and feoffee if they be present, or in their absence, their Procurators, or Atturneyes (by sufficient warrants of Atturney in writing) doe come to the house or place whereof seisin is to be delivered: And there in the presence of sundry good witnesses openly reade, or cause to be read, the deed of feoffement, and Letter of Atturney thereof, or to declare the very effect thereof before them in English: which being so done, the feoffor or his atturney, must take a clot of earth, or a bough or a twig of a tree thereupon growing, or the ring or hasp of the doore of the house, and deliver the same with the said deed unto the feoffee or his Atturney, saying, I deliver these unto you in name of possession and seisin of all the Lands and Tenements contained in this deed, to have and to hold according to the forme and effect of the same deed. If the feoffment be without deed (as it may well bee) then at the time of the delivery of seisin must be expressed the very estate which the feoffee must have thereby. In delivery of seisin, all persons having any lawfull possession or seisin in the thing, of which seisin is to be delivered, ought either to joyne together in the making of the livery of seisin, or to be removed thence, as lessees for yeeres, or for life: for every Livery ought to bring an immediate possession unto the feoffee. Littleton sect 61. & 418. Also if the feoffement be of divers parcells of lands lying in severall townes in one county, Livery of seisin in any part thereof sufficeth for all, if they be then in the feoffors possession and out of Lease. But if they be in divers Counties, or in Lease, or out of his possession, it is convenient that he enter into every parcell thereof, and make Livery of seisin in every severall parcell thereof, for he can give no possession unto his feoffee if he have it not in himself at the very instant of the delivery of seisin made, Littleton c. 18. sect 1. And Bracton saith, Non jacebit seisina aliquo tẽpore medio vacua. By livery of seisin the feoffor transfereth unto the feoffee all that he hath in the things whereof the livery is made, according to the state thereupon limited. If two severall deeds of feoffement be made to two severall persons of one selfe thing, it palleth unto him unto whom seisin is first delivered, according to the verse:

Rem domino vel non domino vendente duobus,
In iure est potior, traditione prior.

Where the gift or grant is of Lands or Tenements in Lease, they commonly passe by Attournement of the particular tenants thereof, and not by livery of seisin. And the like order is to passe things which cannot passe

paſſe but by grant in writing, as ſervices, reverſions, remainders, rents, commons &c. of which it ſhall be intreated in the chapter of Grants Litt' ect 283. And by every Livery of Seiſin paſſeth an eſtate of free-hold t the leaſt.

The manner of indorſing or entring of livery upon deeds of feoffement by the feoffor to the feoffee in their owne perſon. Thus.

MEmorand' quod decimo die Martii, ann. &c. plena et pacifica poſſeſſio et ſeiſina de maner' et tenemētis infra ſpecificat' cum pertinē', data deliber' fuit per infranomin' A. B. infranominat' C. D. in propriis perſonis ſuis ſecundum vim, formā, tenorē, & effectum chart' infra ſcript' in preſentia eor' quor' nomina ſubſcripta ſunt, viz. A.B. C.D. E.F. et aliorum. Sect. 252. 6

Inſcribing the names of the witneſſes preſent thereat.

Or by their Atturneyes thus:

Memorand', quod decimo die Maii, anno 38. El. reg. &c. plena et pacifica poſſeſſio et ſeiſina de tenementis infraſcript' cum pertin', &c. data et liberata fuit per E. F. et E. H. atturn' infranominat' A.B. cuidā G.H. atturn' infranominat' C.D. virtute ſeperal' literar' atturnat' eis inde cōfectar' iuxta vim, formā, tenorem, et effect' chartæ infraſpec' et literarum atturnat' præd', *ut ſupra.* Sect. 253.

Or thus.

Per infra nominat' E.F. atturnat' præd' A. B. juxta &c. *ut ſupra* Or to the like effect in Latine or Engliſh.

Of letters of atturney to give and receive ſeiſin, ſhall be ſpoken in their place: Albeit they may be inſerted in the deeds of feoffement, *ut ſupra.*

A Gift or Grant in taile.

OMnibus Chriſti fidelibus ad quos hoc preſens ſcript' indentat' pervenerit, H. Comes A. ſalut' in dom̄ ſēpitern'. Sciatis me pref. H. Com̄ A. pro et in cōſideration' ſummæ &c. bon' et legalis monet' Angl' mihi pref. com̄ p F.B. et S. gen. præ manibus bene et fidelit' perſol', unde fateor me pref. comitem plenar' fore ſatisfactum et perſolut' eundemq; F. hær' exet', et adminiſtr' ſuos inde plene acquiet' et exonerat' eſſe p' præſentes, qd. iam in parte complem' quarund' conventio' et agreament' content' declā' ſpecificat', in quibuſd' indent' fact' int' me præf. C. & I.D. et I.L. uxor' dict' iā meā dict' Cō' ex una p'te, & præf' F B. ex altera p'te ger' dat &c. anno r' dom̄ noſtre El. reg' nūc 5. tradidi, conceſ' & hoc præſenti ſcript' omeo Sect. 254.

confirmasse præf. F. B. omnia illa ẽras, tenementa, prata, pascua, pastur̃, boscos, subboscos, liberas communias, et hæred', iacent̃ sive existent̃ in C. et S. in hoc præsenti script̃ indentat̃ inferius express. declarat̃, seu specificat̃, omnibus et omnimodis libertatibus, regalitat̃, jurisdictionibus, privilegiis, et franchesiis de, et in eisdem terris, tenemẽtis, cæteris premissis, et in qualibet inde parcel' mihi pref. Com̃, hæred' et assignatis meis tãtummodo et omnino excepi et reservat̃, viz. omnia illa, terras, tenemẽta, prata, pascua, et pastur̃, modo vel nuper parcell' ter̃ dominical' predicti mancrii de S. in dicto com̃ S. vocat̃ seu cognit̃ per nomen vel nomin' de B. alias **B. street meadow, great ꝑ. meadow, Poole head,** ac **P. meadow**: Ac etiam totam illam parcell' ter̃æ ibidẽ vocat̃ le **hill under S.** Ac totam illam aliam parcellam ter̃æ ibidem adjacent̃ gardino prædicto F. B. in longitudine etc. inter domum dicti F. ibidem novo ædificat̃, et quendã campũ ibidem vocat̃ N. et in longitud' inter mess. dict' F. et alt̃ viam ibidem ducent̃ ad etc. Ac etiam totam illam aliam parcell' ter̃ ibidẽ vocat̃ le R. Ac etiã totã illã ac̃ ter̃ vasti ibid' jacen' inter le B, et le C. Ac etiam totum illum aquæ cursum vocat̃ sive cognit̃ per nomen de le C. per vel super dict' acram ter̃ vasti modo curren' cum omnibus et omnimod' cõmiis et proficuis, membris, commoditatibus et pertin' univers. dict' premissis seu alicui inde ꝑcell' quoquo modo spectan' sive pertin', ant ut membr̃, partes vel parcell' præmiss. prius concessor̃, seu alicujus inde parcell' cõmunit̃ antehac habit̃, cognit̃, usitat̃, locat̃, seu demiss. existen'. Ac omnes et omnimod' boscos, subboscos, & arbores suas quascunque, de, in, et super premiss. super preconcess. crescen' sive existen', ac solum et fundum ejusdem bosci, necnon rem et reversiones quascunq; singulor' premiss. et cujuslibet inde parcell', et reddit̃, et alia annual', profic', quæ cum de, vel super quibuscunque dimissionibus sive concessionibus præmissorum et cujuslibet inde parcell' quoquomodo reservat̃ sive habit̃ sint, vacua, libera vel communia, in omnibus ter̃ seu vastis meis infra manerium sive dominiũ meũ predict', et in qualibet inde ꝑcell. Habend̃ et tenend' omnia et singula pred' ter̃, tenem̃, hæredit'. et cætera omnia et singula premiss. superius express. et specificat̃ cũ omnibus et singulis suis pertinen' præfat' F. B. et hæred' de corpore suo legitim̃ procreat̃, et procreand'. Et pro defectu talis exitus, remanere inde R. B. filio cujusdam R. B. de B. in com. S. gen. & hered de corpore suo legitim' procreat̃, & procreand'; Et pro defect' talis exitus remanere inde hæred' cujusd' J. B. pris predict' F. B. defunct', & de corpore ipsius I. legitim' procreat̃, & procreand'. Tenend' de me prefat̃ Com. A. hæred' & assign' meis ut de manerio meo de S. pred' in dict' com' S. in liber socagio & non aliter, viz. ꝑ fidelitat̃, & sect' cur̃ manerii de S. predict viz. ad duas cur̃ ibidẽ super rationabiles monition' vel notitias ann' tenend' (vocat̃ le **great Court**) & reddend̃ inde annuat̃ mihi prefat̃ Comiti hæred & assign' meis &c. ad festa &c. Et annuat' solvend' ꝑ equales portiones, ac reddend̃

dend' inde mihi præf. Com' hæred' & aſſign' meis poſt mortem cujuſlibet tenen de predict' terr, ten', & cæter premiſſis unā Harietam, viz. optimum animal cujuſlibet tenentis, vel 33.s. legal' monetæ Angl' pro qualibet hariet' de tempore in tempus capiend' ſeu recipiend', ad election' mei præfat' Comit' hæred' & aſſign' meor capiend' ſive recipiend': Ad faciend' & reddend' mihi præf. Comiti hæred' & aſſign meis omnia alia onera & ſervitia quæ pro premiſſ. ſeu aliqua inde parcell' per hoc preſens ſcript' prius conceſſ. ante hoc tempore guerr fieri conſuet' fact' per conſuetud' maner pred' pro omnibus aliis ſervitiis, releviis, exactionibus, rebus, et demand' quibuſcunque proinde quoquomodo reddend', ſolvend', vel faciendum. Et ſi contingat pred' reddit', ſectam cur, vel hariet', vel ſummā præd', ac alia oner reſervat' in forma præd', aut aliquam inde parcellam aretro fore in parte vel in toto poſt aliquod feſtum, aut tempus præd' ad quod ſolvi vel fieri debeat aut debent, quod tunc bene licebit mihi prefat' Comiti, hæred' et aſſign' meis, in omnia et ſingul' præd' terr, tenement', et cetera præmiſſ. cum pertin' et quamlibet inde parcell' intrare et diſtringere, et diſtrictiones ſic ind' capt' et habit' aſportare, effugare, et penes me retinere, quouſque de eiſdem ſervitiis, reddit', oneribus, et hariet', et ſumma pred' plenar ſatisfact', content', et perſolut' fuero, ſeu aliquis noſtr perſolut' fuerit. Ac etiam ſi contingat præd' F.B. aut aliquem hered' de corpore ſuo legitim' procreat' aut aliquem hered' de corpore præd' I. B. Pris legit' procreat' ad aliquod tempus impoſterum pred' terr, tenement', et ceter premiſſ. aut aliquam inde parcell' alienare, diſcontinuare, vel vendere, per aliquam recuperationem ad communem legem, aut aliter, quod eiſdem alienationibus, venditionibus, aut recuperationibus non obſtant' bene licet et licebit præf. mihi Com, hered' et aſſignat' meis in omnia predict' meſuag. tenement', et cæter premiſſ. cum pertin' et quamlibet inde parcell' intrare et diſtringere pro eiſdem vel conſimilibus reddit', ſect' cur, hariet', ſummis, ſervitiis, et al' oneribus pred', ut ſupra dictum eſt, ſecūd' veram intention' hujus preſent' ſcript' mei inde confect'.

Ac ſi fortè eveniat pred', reddit', hariet', ſummam, ſect' cur, aut alia ſervitia et onera pred' extinguend' aut determinand' fore, ratione alicjus recuperationis, quod tunc etiam bene liceat, et licebit mihi pref. Com. hered. et aſſign. meis in omnia præd, terr, tenement' et cæter premiſſ. cum ſuis pertin. et quamlibet inde parcell' intrare et diſtringere ut ſūpradict' eſt, pro tantis et conſimilibus reddit', hariet', ſūmis, ſect' cur, et aliis ſervitiis et oneribus ſuperius per præſent' mihi pref. Com. et hered. meis reſervat', aliquibus alienationibus, diſcontinuationibus, venditionibus, ac recuperationibus in contr non obſtante.

Proviſo tamen ſemper quod prædict. Comes, hæred' neq; aſſignat' ſui colore præmiſſ. aut alicujus in eodem ſpecificat' habebunt neque percipient nec habere aut percipere clamabunt ſeu vindicab. pro præmiſſ. duos ſeperal. reddit. ſect' cur. ſervic. et onera præd. nec color' præmiſſ. diſtringant aut diſtringere poſſint ſeu valeant in præmiſſ. neque in aliqua inde parcell. pro eiſdem, aut pro aliqua inde parcell' contra veram intentionem hujus preſentis ſcripti inde confect. Et ego vero præd' comes & hæred' mei omnia prædict' terr', tenement', hereditament' & cæter' præmiſſ. cum omnibus et ſingulis ſuis pertin' pref. F. B. et hær' ſuis' præd. Et pro defectu talis exitus præſ' R. B. et hæred' ſuis præd. Ac pro defectu talis exitus præf' hær' præd. I. B. contra me præſ. com. et hæred' meos, et contra omnes al' perſonam et perſon, claim', aut habentes aliqd. jus, titulum, rectum, vel intereſſe, de aut in præmiſſ. ſeu in aliqua inde parcell', pro me præf. Com', hæred' vel aſſignatis meis warrantiz. et in perpetuum defendemus per præſentes. Et ulterius concordatum eſt, et prædict' F. B. prò ſe et hæredibus ſuis convenit et concedit, ad, et cum præf. Com' hæredibus et aſſignat' ſuis, qd. ſi contingat præd. F. B. ſine hæred' aliquo de corpore ſuo legit' procreat' òbire, aut ſi contigerit hæred' omnes de corpo' præd' I. legitimè procreat. ſine hæred' aliquo obite de corporibus eorum, aut de corpore alicujus eorum legitim' procreat, qd. tunc et deinceps præd' H. pro defect' tal. exit. (ut præfertur) ac omn; hæred' dict' F. B. collater', ac omnes al' perſonæ et perſonæ, et eorum hæred qui tunc habebunt aliquod ſtatum, jus, titulum, ſeu intereſſe quoviſmodo, de vel in præmiſſ' ſeu aliqua inde parcell', ſtabunt, et erunt ſeiſiti, de, et in omnibus et ſingulis præmiſſis, ad opus et uſum eorundem perſonæ et perſonarum, ac hæred' ac aſſign' ſuorum, qui aliquo tempore poſtea habebunt aliquem ſtat' vel &c.

A gift in generall taile tripartite with remainders over.

Sect. 255. SCiant &c. quod ego A. B. dedi, conceſſi et hac præſenti charta mea tripartita indentat' confirmavi C. B. filio meo, totum illud ten̄ cum meum &c. in &c. Habend' et tenend' præd' tenement' &c. præf. C. B. et hæred' de corpore ſuo legit' procreat. Et pro defectu hær' de corpore dicti C. legit' procreat', volo qd. præd' ten' tū cum gardin' ſuisq; prin' D. B. fil. meo natu minori integrè remaneat: Habend' et tenend' illi, et hæred' de corp' ſuo legit' procreat' de capitalib' dominis feodi. Et pro defect' hered' de corp. ipſius C. legit. prrocreat', volo qd. præd' ten' tū cū gardin' ſeu horto ſuiſq; pertin. integrè remaneat hæred' legitim' præd' C. B. imperpet. Et ego vero prænominatus A. B. et her. mei pred' tenement' cū gardin. et ſuis pertin. pref. C. B. et her de corp' ſuo legit. procreat. in forma præd' contra omnes gẽtes warrant. et

imperpet'

imperpet defendemus. In cujus rei teſtimoniū duabus partibus hujus charte mee tripartite indentate penes præf. C. & D. remanentis, ſigill' meū appoſui: Tertiæ vero parti ejuſdē charte penes me præf. A. B. remanent, pred C. & D. ſigill' ſua appoſuerunt. His teſtibus &c.

Eodem modo de chartis Quadripartitis, Quinquepartitis, & ſimilibus dicendum eſt.

A gift in the ſpeciall taile.

OMnibus &c. Dediſſe &c. & conceſſiſſe, ac tenore preſentium dare & concedere A. B. totā domū &c. Habend, tenend, & gaudend' dictā domum &c. pref. A. I. & ipſius maſculis de corpore ipſius A. inter eundem A. & Eliz. uxor ejuſdem A. legit procreatis & procreandis, Tenend &c. Sect. 256.

Another forme of ſpeciall taile.

PAteat preſentibus & futuris, quod ego A. B. dedi & conceſſi, ac per preſentes, do & concedo chariſſim mihi in Chriſto D. & A. uxori ejus, manēr meū &c. Habend' &c. præf. H. D. & A. uxori ſuæ, ac hār maſculis de corporibus eorum inter eos legitime procreatis &c. Sect. 257.

The form of a gift in Frankemariage.

SCiant &c. me M. H. de W. dediſſe, & conceſſiſſe, ac preſenti charta mea confirmaſſe I. A. filio meo, & Marg' uxori ejus, filiæ veræ T. N. in liberum Marītag', unum meſuag' &c. Habend' &c. præf. I. & M. uxor ſue, & hered de eorum corporibus legitim' procreat, de me, & heredibus meis in perpet. Et ego prenomitatus W. H. & hered' mei pred meſuag' &c. præf. I. & M. uxori ſuæ, & her de eorund corporibns, legitime procreat, contra omnes gentes warrātizabimus, ac adverſus capital' dominos, ceteroſq; univerſ. acquitabimus & defendemus imperpet' per preſentes. In cujus &c. Sect. 258.

Or thus.

Habend' &c. præf. H. & N. & hered' quos procreabit de corpore M. uxoris ſuæ &c.

Or thus.

Habend' pref. H. & M. uxori ejus & hered' de corpore pred' H. legit procreat' &c.

Or thus.

Habēd' pref. H. & M. uxori ejus, & hered. de corpore ſuo per pred. H. legitime procreandis, &c.

Feoffements to uſes.

SCiant &c. Quod ego I. B. in complementum & performationem quarundam conventionum, conceſſionum, & agreamentorum, ſpecificat' & declarat' in quibuſdam Indenturis, geren' datum die dat' hujus preſentis Sect. 259.

charr indentat fact' inter me præfatum I.B.ex una parte, & W.P. & G.P. ex altera parte, Concessi, feoffavi, & hoc presenti scripto meo indentat cõfirmavi eisdem W.P. & G.B. heredibus & assignat suis, omnia illa messuag' &c. Habend & tenẽd &c. prefat W.P. & G.B. hered' & assignatis suis, ad opus, usus, intention', ac sub conditione in dict' Indentura specificat & declarat, secundum formam, effectum, & veram intentionẽ dictæ Indenturæ de capitalibus dominis &c. Et ego vero predict' I.B. & hered' mei omnia & singula dict' messuag', terr, & tenementa, ac cetera præmissa, cum omnibus & singulis suis pertin' præfat W.P. & G.B. hered' & assignatis suis, ad opus & usum predict, tam contra me præf. I.B. hered & assignũ meos, quam contra hered' & assignũ R.B. nuper de N. warrantiz. & imperpetuũ defendemus p præsentes. In cujus rei testimonium &c.

A feoffement untill a certaine summe of money be paid.

Sect. 260. SCiant &c. quod ego I.V. in complement ultime voluntatis C.D. demiss, tradidi, liberavi, & hoc presenti &c. H.T.I.T. & I.C. quãdam parcellam terræ meæ arabilis cum pertinen, continent &c. Quam quidem parcellam terræ inter alias terras & tenementa, ego præd' I.V. simul cum T.C. &c. jam defuncto nuper conjunctim habuimus nobis, heredibus & assignatis nostris, ad usum dicti T.C. heredũ & assignatorũ suorũ, & ad inde perimplend ultimã voluntem ipsius T. ex dimissione, liberatione, & charte confirmationi H. filie & hered' I.S. Habend & tenend predictam peciã terr cum pertinẽ presentibus H.T.I.T. & I.C. hered et assignat suis in perpetuũ de capitalibus dominis &c. ad usũ eorũdem H.T.I.T. & I.C. hered' & assignat suorũ, donec & quousq; idem H.I. & I. hered & assig' sui, de exit, revẽtionibus, & proficuis, provenientibus de predict' parcel' terr cũ pertinen', fidelit' & plenarie cõtent fuerint & satisfact' de summa x. Marcarũ legal' monetæ Angl' ultra omnia onera & repris, juxta voluntat' supradict' T.C. disponenda. Et postquam dict' decem Mar' sic plenarie persolut' fuerint, quod tunc dicti H.T.I.T. & I.C. hered & assignat sui sint & existant feoffati, de & in predicta parcella terre cũ pertin, ad usũ Alic', nuper uxoris dicti T.T. durante vita ipsius Alic', & post ejusdem Alic' decessum: ac postquã predict' decem marce sic plenarie persolut fuerint ut prefertur, tunc ad usũ W.C. filii pred T.C. ac hered & assignatorũ suorũ in perpetuum. In cujus &c.

A Feoffement to the use of the Vendor, if he save his sureties harmeless, and if not, to the Vendees use.

Sect. 261. SCiant &c. quod ego E.M. in complementum & performationẽ cujusdam barganiæ & venditionis per me quibusdam R.B. &c. & E. uxori ejus nuper

nuper fact', necnon ad inſtantiam & ſpecialem requiſitionē ipſorum R.B.& E. vendidi, dedi, conceſſi, liberavi, feoffavi. & hac preſentē charta mea indentata cōfirmavi prefato R.B.& E. vxorī ejus I.R.& C.S. totum illud &c. quæ ego predict' E. nuper habui mihi, hered' & aſſignat' meis, ad ſolum opus & uſum mei ipſius E.M. hered' & aſſignatorū meorum, ex dono, conceſſione, & carte confirmatione T.M.& A.N. prout per quandā cartam &c. Habend' & tenend' predict' &c. præfat' R.B.& E. uxori ejus, hered' & aſſigantis ſuis ad opus & uſum, ac ſub conditione ſequenti, videlicet, Quod ſi pred' R.B. & E. uxor ejus, hered' vel execut' ſui exoneraverunt aut indēnes conſervaverint, vel exonerat', vel indēnes conſervari fecerint, vel unus eorū exoneravit, aut indēnes cōſervaverit, vel exonerari aut indēnes cōſervari fecerē I.R. C.S.& E.B. hered', executor', & adminiſtrat' ſuos, & eorū quemlibet, erga me prefat' E.M. executor' & adminiſtrat' meos & alios quoſcunque, de, & pro ſeperalibus ſcript' obligat', gerēn dat' die dat' hujus preſentis charte, In quibus predict' R.B. I.R. C.S.& E.B. conjunctim & divi.im tenentur & obligantur mihi prenominato E.M. prodebito antedicti R.B. ac pro perquiſitione præmiſſi, in quolibet eorundem ſcriptorū obligatoriorū in ſumma xl. Marc', indorſat' ſum conditione pro ſolutione &c. legal' &c. ad feſtum &c. annuatim ſolvend', prout per ſcript' predict' manifeſtus declaratur, ac de, & pro omnibus pecuniarū ſūmis in ſupradict' ſcript' obligat', & eorum quolibet ſpecificat', quod tunc predict' R.B.& E. uxor, ejus I.R. C.S. & E.B. et hered' ſui erunt ſeiſit' de, et in dicto meſuagio cum ædificiis, gardiñ, et omnibus pertinentiis ſuis ad ſolum opus et uſum predictorum R.B. et E. uxoris ejus, et hered' ſuorum, et tunc preſens carta mea indentata et ſeiſina de et in premiſſis cum ſuis pertinen liberat' & capta, firme ſunt et ſtabiles ad ſolum opus et uſum predict' R.B. et E. uxoris ejus, hered' et aſſignatorū ſuorum imperpetuum per preſentes &c.

Et ſi contingat predict' R.B. et E. uxorem ejus hered', executor', et aſſignat' ſuos minime exonerare aut indemnes cōſervare, nec exonerari aut indemnes conſervari facere predict' I.R. C.S. et E.B. hered', executor' et adminiſtratores ſuos, et eorū quemlibet, erga me prefat' E.M. executor' et adminiſtratores meos, et alios quoſcunque, de, et pro predictis ſcriptis obligat', et eorum quolibet, ac de et pro omnibus dictis pecuniarum ſummis in eiſdem ſcriptis obligat', et eorum quolibet ſpecificat', quod tunc predict' R.B. et E. uxor ejus, I.R. C.S. E.B. et heredes ſui erunt ſeiſit', de et in pred' &c. tantum ad ſolum opus et uſum talium vel hūdi earum I.R. C.S. et E.B. hered' et aſſignat' ſuorum, qui, vel quorum hered', execut', vel adminiſtrat' pro predict' ſcript' obligat', aut eorū aliquo vexari, moleſtari, aut indemnes non conſervari contingent. Et ego predict' us E.M. et heredes mei predict' &c. prefat' R.B. et E. uxori ejus, I.R. C.S. et E.B. hered' et aſſignatis ſuis ad uſum predictum, contra me et hered' meos warrantizabimus et in

perpetuum defendemus per presentes. In cujus rei testimonium utrique parti harum cartarum indentat, ego predictus E.M. sigillum meum apposui. Dat &c.

A Scedule expressing the uses of a Feoffement.

Sect. 262. THis Indenture made &c. Betweene I. H. and G. H. on the one party and T. N. I. C. and E. G. on the other party, witnesseth, that whereas the said I. H. and G. H. by their deed of feoffment indented, unto this present scedule indented annered, have infeoffed the said T. N. I. C. and E. G. of, and in the manor of &c. that the intent of the said deed, and the livery and seisin made upon the same is, that the said T. N. I. C. and E. G. and every of them, and their heires, and the survivor of them, and his heires, shall stand and be seised, of and in the said manor &c. mentioned in the same deed of feoffement, to the use of them, and of their heires, to the intents, and upon the condition hereafter in this scedule expressed: that is to say, That the said T. N. I. C. and E. G. and the survivor of them and his heires, shall at all times hereafter from time to time during the life of the said I. H. within foure moneths after request to them, or any of them made, by the said I. H. his executors or assignes shall make all such leases and demises, assurances, feoffements, estates, and conveiances, gifts, and grants, of annuities for terme of life, or lives or for terme of yeares, at will, and in fee simple, or in taile, with remainder, of, in, or out of all the said lands, tenements, and other the said premisses, and every parcell thereof, to such person or persons, as the said I. H. shall at any time during his life nominate and appoint the same assurances, feoffements, estates, conveiances, devises, leases, and grants thereof to be made at the costs and charges of the said I. H.

And also upon condition that the said T. N. I. C. and E. G. and the survivor of them, and his heires shall further make such assurances, conveiances, feoffements, estates, gifts in taile with remainders over, or any other estates, conveiances or assurances in law, of, or in the said manors, lands, & tenements, and of every part thereof, to such person and persons, and their heirs, or to the heires of their bodies lawfully begotten for term of life, or lives, or otherwise, to whom the said I. H. also by his last will and Testament in writting shall nominate, assigne and appoint the same estates, assurances, or conveiances to be made, according to the true meaning of the said last will and Testament of the said I. H.

And the said T. N. I. C. and E. G. covenant &c. that they the said T. N. I. C. and E. G. at the costs and charges of the said I. H. his heires, executors, and assignes, or at the costs and charges of such person to whom the same estate of the premisses shalbe by the same I. H. appointed to be made,

made, ſhall execute and make all ſuch eſtates, conueiances, and aſſurances of, and in the premiſſes, or any part thereof, to the ſame and ſuch perſons to whom the ſaid eſtates ſhalbe ſo aſſigned & appointed by the ſaid I. H. by his laſt will and Teſtament, or otherwiſe.

And if the ſaid T. N. I. C. and E. G. ſhall refuſe to execute and make ſuch eſtates and aſſurances, of, and in the premiſes, to ſuch perſons to whom the ſaid I. H. ſhall aſſigne and appoint the ſaid eſtates to be made of, and in the ſaid manors, lands, tenements, & euery part thereof, in manner and forme aforeſaid: Then the ſaid T. N. I. C. and E. G. couenant &c. that they the ſaid T. N. I. C. and E. G. ſhall after ſuch refuſall, ſtand and be ſeiſed of, and in the ſaid mannors &c. to the uſe of ſuch perſons, and their heires, and the heires of their bodies lawfully begotten, for terme of life, or liues, or yeares, in taile, or in fee, according to the eſtates to whom the ſaid I. H. in his life time, or otherwiſe, ſhall by his laſt will giue, appoint, or aſſigne the ſaid manor, lands, &c. before mentioned and rehearſed in theſe preſents. In witneſſe whereof &c. Given the day and yeare firſt aboue written.

A Scedule limiting Vſes.

The uſe and intents of the deed of Feoffement indented tripartite hereunto annexed, and the eſtates thereupon executed of me the ſaid G. S. named in the ſaid deed, is, that the ſaid gift and grant mentioned in the ſaid deed, and the eſtate thereupon executed, of, and in the capitall meſſuages in S. mentioned in the ſaid deed called the Hall of S. with the appurtenances, and of and in the Mill of S. called Sanford Mill, and one meadow called Mill meadow, one paſture called A. & all other lands and tenements in S. aforeſaid, now in the tenure, occupation, or manurance of me the ſaid G. S. except one paſture called W. hill. ſhall be and be, And the ſaid A. C. I. D. I. G. W. G. and their heires, ſhall ſtand and thereof be ſeiſed to the uſe of me the ſaid G. S. for terme of my life, and after my death, to the uſe of I. G. now wife of me the ſaid G. for terme of her life, and after her death, to the uſe of the heires of the body of me the ſaid G. lawfully begotten, And for default of ſuch iſſue &c. with remainder over. Sect. 263.

Prouided alwaies, that if it happen the ſaid I. after the death of me the ſaid G. S. to marrie againe, that then & from thenceforth the ſaid feoffement, gift, grant, and eſtate of the capitall meſſuage, Mill, lands and tenements in G. aforeſaid, in the tenure of me the ſaid G. S. (except before excepted) ſhall be, And the ſaid A. & the ſaid cofeoffees and their heirs ſhall ſtand & be thereof ſeiſed to the uſe of the heires of the bodie of me the ſaid G. S. lawfully begotten, and for default of ſuch iſſue, to the uſe of the ſaid R. S. & his heires males of his body lawfully begotten, And for default, &c.

And.

And that the ſaid feoffement, eſtate, gift, and grant, of and in the reſt and reſidue of all the ſaid meſuages, mills, lands, tenements, and other hereditaments whatſoever they be in S. and A. mentioned in the ſame deed indented tripartite, wherof no uſe before in this preſent ſcedule is declared, ſhall be, And the ſaid A. and the ſaid cofeoffees ſhall ſtand and be ſeiſed thereof to the uſe of me the ſaid G. S. and of the heires of the body of me the ſaid G. lawfully begotten, and for default of ſuch iſſue, to the uſe of the ſaid R. S. and of his heires males lawfully begotten, and for default &c. Provided alwaies, that if the ſaid I. now wife of me the ſaid G. at any time after the death of me the ſaid G. fortune to marrie againe, that then and from thencefoorth the ſaid feoffement, gift, grant, and eſtate, of, and in the ſaid reſidue of the ſaid lands, tenements, and other the premiſſes with the appurtenances, in S. and A. ſhalbe to the uſe of the ſaid I. for term of her life, and after her deceaſe to the uſe of the heires of the body of me the ſaid G. lawfully begotten, and for default of ſuch iſſue, to the uſe of R. S. &c.

Vſes.

A Covenant limiting the Vſes to the Mortgager, paying certaine money and charges of aſſurances, untill he practiſe to alien or incumber the lands, and then to the Morgagee.

Sect. 264. PRovided alwaies, and it is nevertheleſſe covenanted, concluded, condeſcended, and agreed by & betwixt the ſaid parties to theſe preſents. And the ſaid I. B. &c. doth covenant and grant &c. That if the ſaid R. G. or his heires, at any time within the ſpace of tenne years next inſuing the date hereof, do pay or cauſe to be payed unto the ſaid I. B. his heires executors, or aſſignes, at one whole and intire payment, aſwell the ſaid ſumme of thirty pounds by him already diſburſed, as aforeſaid, for the ſaid purchaſe of the reverſion of the premiſſes, in manner and forme aforeſaid, as alſo all and every other ſumme and ſummes of money, as the ſaid I. hath already diſburſed and paid, or ſhall hereafter be charged with, touching and concerning any writting, aſſurance, or conveyance, of, or concerning the ſaid tenements and premiſſes, or any part thereof, made, or to be had and made, within tenne dayes after that a reaſonable Bill thereof ſhall be ſhewed and delivered to the ſaid R. G. or his heires, by

y the ſaid I. his heires, executors or aſſignes: that then and from thence-
orth immediatly after all the ſummes aforeſaid ſatisfied and paid to the
aid I his heires, executors, and aſſignes, in manner and forme aforeſaid,
e ſaid I. B. his heires and aſſignes of the ſaid reverſion of the ſaid tene-
ents and premiſſes with the appurtenances, ſhall ſtand & be ſeiſed du-
ng the life of the ſaid I. A. and W. and of the longeſt liver of them. And
fter their deceaſe, of all the ſaid premiſes in demeane and poſſeſſion, to
e uſe of the ſaid R. G. and his heires, untill ſuch time as the ſaid R. G.
his ſaid heires ſhall adviſedly, determinately, and conſideratly go about
Mortgage, alien, bargaine, ſell, or otherwiſe to do, or put away the ſaid
nements and premiſſes, or any parcell thereof, in poſſeſſion or reverſion
ithout the ſpeciall conſent & agreement in writing of the ſaid I. B. or
is heires, in that behalfe firſt had and obtained: Or ſhall as is above
entioned, goe about to charge, trouble, or in any wiſe incumber the ſaid
nements and premiſſes, or any parcell thereof, without the like conſent
nd licence. And ſhall for the conveiance of any ſuch mortgage, bargaine
le, charge, or incumbrances, go about to doe, practize, or put in ure, or
illingly ſuffer to be gone about had, done, practized, or put in ure, any
n or ſecret effectuall act, matter, or thing for any ſuch conveiance, aſſu-
nes, charge or incumbrances to be had or made. And from and immedi-
ely after any ſuch matter, act, or thing, ſo as aforeſaid had done, practi-
ed, or put in ure or ſuffered to be had, practized, or put in ure by the ſaid
R. G. or his heires, whereby the ſaid R. or his ſaid heirs ſhall goe about to
end, alien, mortgage, bargaine, ſell, charge or incumber the ſaid premiſ-
es, or any part thereof: Then and from thenceforth as well this preſent
ſſurance and conveiance, as alſo the ſaid fine, and all other aſſurance and
nveiance made and to be made of the premiſſes, and every part and par-
ell thereof, ſhall be &c. And the ſaid R. S. and his ſaid heires, and all and
very other perſon and perſons having or lawfully claiming any eſtate,
ight, or title, in, or to the ſaid premiſſes, or any part thereof, by, from, or
nder the ſaid R. or his ſaid heires, ſhall ſtand & be ſeiſed of the ſaid pre-
iſſes, and every parcell thereof, to the uſe of the ſaid I. B. his heires
nd aſſignes, according to the purport, effect, and true intent and mea-
ing of theſe preſent Indentures, abſolutly without any further mor-
age or condition.

An Indenture Tripartie of lands and tenements to uſes.

THis Indenture tripartite made &c. Betweene L. L. on the firſt partie Sect. 265.
A. B. C. D. and E. F. on the ſecond partie, and F. G. H. I. and L. M
n the third partie, witneſſeth that the ſaid L. L. for the ſpeciall truſt

and

And that the ſaid feoffement, eſtate, gift, and grant, of and in the reſt and reſidue of all the ſaid meſſuages, mills, lands, tenements, and other hereditaments whatſoever they be in S. and A. mentioned in the ſame deed indented tripartite, wherof no uſe before in this preſent ſcedule is declared, ſhall be, And the ſaid A. and the ſaid cofeoffees ſhall ſtand and be ſeiſed thereof to the uſe of me the ſaid G. S. and of the heires of the body of me the ſaid G. lawfully begotten, and for default of ſuch iſſue, to the uſe of the ſaid R. S. and of his heires males lawfully begotten, and for default &c. Provided alwaies, that if the ſaid I. now wife of me the ſaid G. at any time after the death of me the ſaid G. fortune to marrie againe, that then and from thencefoorth the ſaid feoffement, gift, grant, and eſtate, of and in the ſaid reſidue of the ſaid lands, tenements, and other the premiſſes with the appurtenances, in S. and A. ſhall be to the uſe of the ſaid I. for term of her life, and after her deceaſe to the uſe of the heires of the body of me the ſaid G. lawfully begotten, and for default of ſuch iſſue, to the uſe of R. S. &c.

Vſes.

A Covenant limiting the Vſes to the Mortgager, paying certaine money and charges of aſſurances, untill he practiſe to alien or incumber the lands, and then to the Morgagee.

Sect. 264. PRovided alwaies, and it is nevertheleſſe covenanted, concluded, condeſcended, and agreed, by & betwixt the ſaid parties to theſe preſents, And the ſaid I. B. &c. doth covenant and grant &c. That if the ſaid R. G. or his heires, at any time within the ſpace of tenne yeares next inſuing the date hereof, do pay or cauſe to be payed unto the ſaid I. B. his heires executors, or aſſignes, at one whole and intire payment, aſwell the ſaid ſumme of thirty pounds by him already diſburſed, as aforeſaid, for the ſaid purchaſe of the reverſion of the premiſſes, in manner and forme aforeſaid, as alſo all and every other ſumme and ſummes of money, as the ſaid I. hath already diſburſed and paid, or ſhall hereafter be charged with, touching and concerning any writting, aſſurance, or conveyance, of, or concerning the ſaid tenements and premiſſes, or any part thereof, made, or to be had and made, within tenne dayes after that a reaſonable Bill thereof ſhall be ſhewed and delivered to the ſaid R. G. or his heires, by

the ſaid I. his heires, executors or aſſignes: that then and from thence-
th immediatly after all the ſummes aforeſaid ſatisfied and paid to the
d I his heires, executors, and aſſignes, in manner and forme aforeſaid,
ſaid I. B. his heires and aſſignes of the ſaid reverſion of the ſaid tene-
nts and premiſſes with the apportenances, ſhall ſtand & be ſeiſed du-
g the life of the ſaid I. A. and W. and of the longeſt liver of them. And
er their deceaſe, of all the ſaid premiſes in demeane and poſſeſſion, to
uſe of the ſaid R. G. and his heires, untill ſuch time as the ſaid R. G.
his ſaid heires ſhall adviſedly, determinately, and conſiderately go about
mortgage, alien, bargaine, ſell, or otherwiſe to do, or put away the ſaid
ements and premiſſes, or any parcell thereof, in poſſeſſion or reverſion
ithout the ſpeciall conſent & agreement in writing of the ſaid I. B. or
heires, in that behalfe firſt had and obtained: Or ſhall as is above
ntioned, goe about to charge, trouble, or in any wiſe incumber the ſaid
ements and premiſſes, or any parcell thereof, without the like conſent
licence. And ſhall for the conveiance of any ſuch mortgage, bargaine
charge, or incumbrances, go about to doe, practize, or put in ure, or
ingly ſuffer to be gone about, had, done, practized, or put in ure, any
or ſecret effectuall act, matter, or thing for any ſuch conveiance, allu-
ges, charge or incumbrances to be had or made. And from and immedi-
ly after any ſuch matter, act, or thing, ſo as aforeſaid had done, practi-
, or put in ure or ſuffered to be had, practized, or put in ure by the ſaid
G. or his heires, whereby the ſaid R. or his ſaid heirs ſhall goe about to
d, alien, mortgage, bargaine, ſell, charge or incumber the ſaid premiſ-
, or any part thereof: Then and from thenceforth as well this preſent
urance and conveiance, as alſo the ſaid fine, and all other aſſurance and
veiance made and to be made of the premiſſes, and every part and par-
l thereof, ſhall be voyd. And the ſaid R. S. and his ſaid heires, and all and
ry other perſon and perſons, having or lawfully claiming any eſtate,
ht, or title, in, or to the ſaid premiſſes, or any part thereof, by, from, or
der the ſaid R. or his ſaid heires, ſhall ſtand & be ſeiſed of the ſaid pre-
iſſes, and every parcell thereof, to the uſe of the ſaid I. B. his heires
d aſſignes, according to the purport, effect, and true intent and mea-
ng of theſe preſent Indentures, abſolutly without any further mor-
ge or condition.

An Indenture Tripartie of lands and tenements to uſes.

THis Indenture tripartite made &c. Betweene T. T. on the firſt partie Sect. 265.
A. B. C. D. and E. F. on the ſecond partie, and F. G. H. I. and L. M.
the third partie, witneſſeth that the ſaid T. T. for the ſpeciall truſt

and

and confidence that he hath in the ſaid A.B.C.D.E.F.G.H.I. & L.&c. and for divers other good and reaſonable cauſes and conſiderations moving him, hath given &c. unto the ſaid A.B.C.D.E.F.G.H. &c. all thoſe his lands, tenements, &c. To have and to hold &c. to the only uſes and proper behoofes of the ſaid A.B.C.D.E.F. &c. during the naturall life of the ſaid L.L. and for and during the terme of twelve yeares, next and immediately following, after the naturall life of the ſaid L.L. and after the death of the ſaid L.L. and after the ſaid terme of yeares ended and determined, then to have and to hold the ſaid lands, tenements, and other the premiſſes to the ſaid A.B.C.D. &c. their heires and aſſignes, to the uſe of them and their heires. And upon condition that the ſaid G.H.I. and L. &c. and their heires, or the ſurvivor or ſurvivors of them, and his and their heires, ſhall before the naturall death of the ſaid L.L. or within ſeven yeares next after the naturall death of the ſaid L.L. alien, bargaine, and ſell the premiſſes with the appurtenances, or ſo much thereof as by the ſaid L.L. at any time during the natural life of the ſaid L.L. ſhall be limited or appointed by him by writing or otherwiſe, and after the bargaine, ſaile, or alienation ſo had and made, the deſire of the ſaid L.L. is, that the ſaid A.B.C.D. &c. for the ſpeciall truſt and confidence that the ſaid L.L. doth put in them, ſhall within fiue Months next after the ſaid bargaine and ſale or alienation, purchaſe or cauſe to be purchaſed other lands, tenements, and hereditaments, of as much cleere yearely value, as the premiſſes that ſhall be ſo bargained or ſold by them, or any of them ſhall amount unto: and that the ſurvivor or ſurvivors of them ſhall within the ſaid fiue Months, cauſe the ſaid lands, ſo purchaſed, to be by good aſſurance and conveiance in the law aſſured and made ſure to the heire of the ſaid L.L. in fee ſimple, diſcharged of all charges and incumbrances by them, or by any of them to be had, made, done, or ſuffered. Provided alwaies, that for default of ſuch bargaine, ſale or alienation of the premiſſes by theſe preſents given or granted bargained, or ſold, from and after the naturall death of the ſaid L.L. and from and after the end and terme of xii. yeares next after the death of the ſaid L.L. the ſaid A.B.C.D. &c. and all and every other perſon and perſons that ſhalbe ſeiſed of or in the premiſſes, ſhall ſtand and be ſeiſed thereof to the onely uſe and behoofe of the right heires of the ſaid L.L. of and in ſo much of the premiſſes by theſe preſents given and granted, and of every part thereof, whereof no bargaine, ſaile, or alienation ſhall be hereafter by the ſaid A.B.C.D. &c. ſo made, as is aforeſaid, and that alſo then and from thenceforth it ſhall be lawfull for the right heires of the ſaid L.L. to reenter into ſo much of the premiſſes, whereof no bargaine, ſale, or alienation ſhall be hereafter by the ſaid A.B.C.D. &c. ſo made as is aforeſaid, and the ſame to have a-

gaine

ine &c. And the ſaid G. H. I. and L. doe covenant &c. that they & eve-
of them, their heires and aſſignes, and every of them, ſhall permit and
fer the ſaid A. B. C. D. &c. and every of them and their aſſigns quietly
receive and take the iſſues and profits of all and ſingular the ſaid pre-
ſes with the appurtenances, during the naturall life of the ſaid M. M.
during the ſaid terme of twelve yeers, without interruption or diſtur-
ice of the ſaid G. H. I. and L. or any of them, or any other perſon or per-
s by the meanes or procurement of any of them, to be imployed or be-
ved to ſuch uſes and intents as the ſaid M. M. hath, and ſhall aſſigne,
it, and appoint.

And the ſaid G. H. I. and K. for them, their heires, and aſſigns &c. doe
enant and grant, to and with the ſaid M. M. and to and with the ſaid
B. and C. and to and with the ſaid D. E. and F. and every of them, that
ſhall fortune the ſaid A. B. and C. to deceaſe, during the naturall life
the ſaid M. M. that then the ſaid E. F. G. H. I. and K. and their heires
aſſignes ſhall peaceably permit and ſuffer the ſaid D. E. and F. and
y of them, and their aſſignes, to have, take, and receive, all and ſingu-
the iſſues, rents, revenues and profits of all and ſingular the premiſſes
every part and parcell thereof, for, and during &c. without any let &c.
(ſupra.)

And the ſaid M. M. for him &c. that the ſaid A. B. &c. and their heirs &
or every other perſon or perſons now being ſeiſed of, and in the pre-
ſes, by theſe preſents bargained and ſold, or of, or in any part or par-
thereof, ſhall from henceforth ſtand, remaine, and be ſeiſed thereof,
of every part thereof, to the uſes, intents, behooſes and conditions, in
preſents before expreſſed, mentioned, or declared. In witneſſe etc.

Conveyance to uſes.

THis Indenture made &c. Between R. S. on the one party and T. R. Sect. 266.
R. R. & T. W. on the other party, witneſſeth, that the ſaid R. S. as wel
the naturall love, zeale, and affection that he beareth unto E. S. his ſon
heire apparent, and other the iſſues male of his body lawfully to be be-
ten, and their iſſues male, and others of the blood and name of S. and
that he is very deſirous, and fully minded, reſolved and determined,
all and ſingular his manors, lands, tenements, tythes, rents, reverſi-
, ſervices, & hereditaments, with the appurtenances, in theſe preſents
expreſſed, mentioned, & contained, ſhould & might for ever hereafter, if it ſhall
pleaſe almighty G O D, come, deſcend, continue, remaine, & be unto
ſaid E. S. & unto ſuch iſſues male, as ſhalbe begotte of his body & their
ues male, & unto ſuch other perſons, & ſuch of the blood and name of S.

as

as hereafter in theſe preſent Indentures are named, intended, or meant according to the true intents and meaning of theſe preſents, and under the conditions, covenants, and agreements, limitations, proviſions, contingencies, and true meaning of theſe preſents, and in manner and forme hereafter in theſe preſents expreſſed, limited, and declared, and in ſuch manner and forme, and ſo long onely, as in, and by theſe preſents is limited, intended, implied, or meant: And ſo that none eſtate, title, uſe, or intereſt hereafter in theſe preſents limited or appointed, ſhould in any wiſe be altered, diſcontinued, forfeited, prejudiced, barred, or diſappointed, contrarie to the true meaning thereof.

The ſaid R.S. doth covenant &c. to make a ſufficient Feoffement to the ſaid T.R.R.R. and T.U. of all and ſingular thoſe his Mannors, Lordſhips or Townes &c.

To have and to hold all the ſaid Mannors, Lordſhips, Townes &c. to the ſaid T.R.R.R. and T.U. their heires and aſſignes for ever, in the manner and forme, and to the uſes, intents, and purpoſes, hereafter in theſe preſents limited, appointed, intended, and meant, and under and according to the conditions, covenants, contingencies, proviſions, limitations, true intent and meaning in theſe preſents expreſſed, and to, or for no other uſe, intent, or purpoſe, that is to ſay: To the onely uſe and behooſe of the ſaid R.S. for and during his naturall life, without impeachment of any manner of waſt, And after his deceaſe, to the only uſe and behooſe of the ſaid C. S. and of the heirs males of his body lawfully begotten. And for default of ſuch iſſue male of the body of the ſaid C.S. lawfully begotten, then to the onely uſe and behooſe of the ſecond iſſue male of the bodie of the ſaid R.S. lawfully begotten and to be begotten. And if it happen the ſaid ſecond iſſue male of the bodie of the ſaid R. S. lawfully begotten, and to be begotten, to die without iſſue male of his bodie lawfully begotten, then to th'only proper uſe and behooſe of the third iſſue male of the body of the ſaid R.S. lawfully begotten, and to be begotten, and of the heires males of his body lawfully begotten, and to be begotten, and ſo from iſſue male to iſſue male of the ſaid C.S. lawfully begotten, ſo long as there ſhall be any ſuch iſſue male of the body of the ſaid R.S. lawfully begotten, alive. And for default of ſuch iſſue male of the body of the ſaid R. S. lawfully begotten and to be begotten, then to the uſe of A.S. and of the heires males of his body lawfully begotten, and to be begotten. And for default of ſuch iſſue male of the bodie of the ſaid A. lawfully begotten, and to be begotten, then to the onely uſe of H.S. and of the heires males of his body lawfully begotten, and to be begotten. And for default of ſuch iſſue male of the bodie of the ſaid H. lawfully begotten, and to be begotten, then to the uſe of the next heires males of R.S. grandfather of the ſaid R.S. and to the heires

ales of his body lawfully begotten. And for default of such Issue
ale, to the onely use and behoose of the right Heires of the said E. for
r.

Provided alwaies, and upon condition, and it is the true intent and mea-
ng of these present indentures, and all the parties to the same, that if any
e male of the body of the said R. S. lawfully begotten, or to be begotten,
ny other issue male, or other person or persons, named, intended, im-
ed, or meant to have or take any estate of inheritance, by reason of
said feoffement so to be made, and of these present Indentures, or of et-
r of them, or of any limitation of any terme, estate, use, or other thing
hem or either of them contained, at any time hereafter shall earnest-
or willingly imagine, determine, purpose, consent, conclude, intend,
ctise, or go about to give, sell, alien, forfeit, barre, alter, discontinue,
e, or do away the said mannors, messuages, lands, tenements, and here-
ments, and other the premisses with the appurtenances, or any part
or parcell thereof, or his or their estate, title, use, remainder, or interest,
or in the same mannors, messuages, lands, tenements, and heredita-
ts, and premisses, with the appurtenances, or any part or parcell
eof to any person or persons, by any way, or meane otherwise then for
estate or estates for terme or termes, according to the covenants, con-
ions, provisions, and true intent and meaning in these presents expres-
contained, or intended: That then and thencefoorth the estate, use, inte-
possibilitie of every such person and persons, so earnestly and willing-
imagining, determining, purposing, intending, concluding, practising
ising, or going about to give, sell, alien, forfait, alter, discontinue, barre,
, or doe away the said mannors, messuages, lands, tenements, heredit-
ents, and premisses, with the appurtenances, or any part thereof con-
y to the limitations, conditions, true intent and meaning of these pre-
Indentures, of, in, and for such and so much onely of the said mannors,
uages, lands, tenements, hereditaments, and premisses with the appur-
nces, as he or they shall fortune so, as is aforesaid, earnestly, and wil-
ly to imagine, purpose, conclude, intend, consent, practise, devise, or go
t to give, grant, sell, alien, forfait, alter, discontinue, barre, lease, or d
y contrary to the true intent and meaning of these presents, shall
e, determine, and become utterly void &c. so earnestly or willingly ima-
ing &c. to all intents and purposes, as if such person and persons had
er bin named, intended, implyed, or meant in these presents, and as if
e use, estate, interest, or possibilitie, of and in the said mannors, mes-
, lands, tenements, hereditaments, and premisses with the appurte-
ces, or of any part thereof, had ever beene limited, implyed, or meant
such person or persons. And that then also and thencefoorth the said

T. K.

T.R.R.R. and T.U. and their heires, and the heires of the ſurvivor of them ſhall thenceforth ſtand and be ſeiſed of ſuch and ſo much of the ſaid manors, meſuages, lands, tenements, and premiſſes, wherein the ſaid eſtate and uſe of ſuch perſon or perſons ſo as is aforeſaid, ſhall happen to ceaſe and be determined, to the uſe of ſuch perſon or perſons to whom the uſe of the ſame above in theſe preſents is limited, intended, implyed or meant to be next in remainder, if ſuch perſon or perſons ſhould have died without iſſue of his or their bodies lawfully begotten, the remainder thereof in forme aforeſaid, to ſuch other perſon or perſons belonging, according to the conditions, proviſions limitations of uſe, intent, and true meaning in theſe preſent Indentures expreſſed and ſpecifyed, any covenant limitation of uſe, or other matter or thing to the contrary hereof notwithſtanding. Provided alſo, and upon condition, and it is the true intent and meaning of theſe preſent Indentures, and of all the parties to the ſame, That it ſhall and may be lawfull to and for the ſaid R.S. during his naturall life, to make or cauſe to be made any leaſe or leaſes, of the ſaid manors, meſuages, lands, tenements, and premiſſes, or any part thereof to any perſon or perſons, for any terme or termes, eſtate or eſtates, not exceeding the terme of one hundred yeares from the day of the making thereof, reſerving upon every ſuch leaſe or leaſes the old accuſtomed yearely rent, or more, to be due and payable during the continuance thereof by virtue of ſuch leaſe or leaſes.

And that the ſaid T.R.R.R.R. and T.U. and their heirs, and the heirs of the ſurvivor of every of them, ſhall ſtand and be ſeiſed, of, and in ſuch and ſo much of the ſaid manors, meſuages, lands, tenements, and premiſſes, as ſo by the ſaid R.S. ſhall happen to be leaſed, to the uſe of ſuch perſon and perſons, to whom any ſuch eſtate for the terme of yeares ſhall be ſo made or granted by the ſaid R. during the continuance of the ſame leaſe or leaſes, and after the end, determination, or expiration of ſuch leaſe or leaſes, to ſuch uſe and uſes, as in and by theſe preſents is limited, intended, or meant. And that it ſhall and may be lawful to and for the ſaid R. and every other perſon & perſons, that the ſaid R.S. ſhall thereunto name or appoint, during the naturall life of the ſaid R.S. to fell, cut down, take and carry away, and to bargaine, ſell, give, & grant all or any woods, underwoods, ſprings or trees growing, or which during the natural life of the ſaid R.S. ſhall grow upon the ſaid premiſſes, or in or upon any part thereof with the appurtenances to any perſon or perſons. And that it ſhal be lawfull for ever ſuch perſon and perſons, to whom any of the ſaid woods, underwoods, trees, or ſprings ſhal happen to be leaſed, given, alienedbargained, or ſold, to ſel, cut down, take, & carie away the ſame, & every part thereof according to the effect and true meaning of every ſuch leaſe, contract, and

bargain

bargaine thereof to be made: any thing in theſe preſents contained to the contrary thereof in any wiſe notwithſtanding. Provided alſo, and upon condition, and it is the true intent and meaning of theſe preſent Indentures, and of all the parties to the ſame, that it ſhall and may be lawfull, to and for any and every ſuch iſſue of the body of the ſaid R. S. lawfully begotten, and to be begotten, and to, and for every other iſſue male, or other perſon or perſons, named, intended, implied, or meant to have or take any eſtate of inheritance, in poſſeſſion, reverſion, remainder, or in uſe, by reaſon of the ſaid feoffement ſo to be made, and of theſe preſents, or of either of them, or of any limitation of any eſtate, proviſo, condition, uſe, or other thing in them, or either of them being thereof ſeiſed accordingly, to make or cauſe to be made any leaſe or leaſes, eſtate or eſtates, of the ſaid mannors, meſſuages, lands, tenements, and premiſſes, or of any part thereof, to any perſon or perſons, for any terme or termes not exceeding xxj. yeeres, from the day of the making thereof: So alwayes, that upon every ſuch leaſe, terme or eſtate, ſo to bee made, the old accuſtomed yeerely rent or more be reſerved and payable yeerely to the owner or owners of the inheritance thereof, during the continuance of ſuch leaſe or leaſes, tearme or tearmes, eſtate or eſtates, without fraud or colluſion. And that if any ſuch leaſe or leaſes as is aforeſaid, ſhall happen to be made or granted, that then the ſaid T. R. R. R. and T. W. and the ſurvivors and ſurvivor of them, and his heires ſhall ſtand and be ſeiſed of, and in ſuch and ſo much of the ſaid mannors, meſſuages, lands, tenements and premiſſes, as ſhall ſo happen to be leaſed, to the onely uſe and uſes of every ſuch perſon or perſons, to whom any ſuch leaſe or leaſes, terme or termes, eſtate or eſtates ſhall happen to be made during the continuance thereof, according to the true intent, and meaning of theſe preſents, and of ſuch leaſe and leaſes, and after the end and expiration or determination of every ſuch leaſe and leaſes, to ſuch uſe and uſes, as in theſe preſents is limited, intended, implied, or meant: Provided alſo, and upon condition, and it is the true intent and meaning of theſe preſent Indentures, and of all the ſaid parties to the ſame, that it ſhall and may be lawfull for the ſaid R. S. during his naturall life, to nominate, appoint, and give authority to any perſon or perſons to receive the rents, iſſues, fines, incomes, commodities, and profits of all the ſaid mannors, meſſuages, lands, tenements, hereditaments, and premiſſes, with the appurtenances, and every or any of them, to the uſe of the ſaid R. without rendring any account thereof, or therefore to any perſon or perſons, but onely to the ſaid R. S. Provided alſo, and upon condition, and it is the true intent and meaning of theſe preſent Indentures, and of all the ſaid parties to the ſame, that it ſhall and may be lawfull to any iſſue male of

the body of the ſaid R. S. lawfully begotten, and to bee begotten, and to every other iſſue male or other perſon or perſons, named, indented, implied, or meant, to have or take any eſtate of inheritance by reaſon of the ſaid feoffement ſo to be made, and of theſe preſent Indentures, or either of them, which hereafter ſhall have maried any woman, to make any eſtate of any part of the ſaid mannors, meſſuages, lands, tenements, hereditaments, and premiſſes, with the appurtenances for the terme of life of ſuch wife or wives, or her for their joynture or dower, reſerving no rent or other thing for ſo much of the ſaid mannors, &c. and premiſſes whereupon any ſuch eſtate or eſtates ſhall happen ſo to be made. And that the ſaid T. R. R. R. and T. T. and their heires, and the ſurvivor of them and their heires, ſhall ſtand and be ſeiſed of, and in ſuch and ſo much of the ſaid mannors, meſſuages &c. and the premiſſes with the appurtenances, whereupon any ſuch eſtate or eſtates ſhall happen to be made in forme aforeſaid, according to the true meaning of theſe preſents, and of ſuch eſtate ſo to be made to the uſe of ſuch wife or wives for the terme of her and their lives. Provided alſo, and upon further condition, and it is the true intent and meaning of theſe preſent Indentures, and of all the ſaid parties to the ſame, and of the ſaid feoffement ſo to bee made, that if the ſaid T. R. R. R. and T. T. or ſome one of them, or the ſurvivor of them, or his heires, or the ſaid E. S. or his heires males, or ſome other perſon which ſhall inherit the ſaid mannor, &c. or any of them, according to the limitation, true intent and meaning in theſe preſents declared, doe not well and truly pay or cauſe to bee paid 1000. li. of &c. in the South porch of the parith Church of R. in the ſaid County of W. to the uſe of the ſaid R. S. at and in ſuch feaſt day, as the ſaid R. S. by his writting ſealed ſhall name or appoint, and to ſuch perſon or perſons as the ſaid R. S. by his ſaid writting ſealed ſhall name or appoint to receive the ſame 1000. li. of &c. That then and thenceforth theſe preſent Indentures and the ſaid feoffement ſo to be made, to be utterly void and of none effect in the law. And that then alſo and thenceforth it ſhall and may be lawfull to and for the ſaid R. S. into all the ſaid mannors, meſſuages, &c. and premiſſes with the appurtenances, to reenter, and the ſame to have againe and poſſeſſe as in his former eſtate. And that then and thenceforth the ſaid T. R. R. R. and T. T. and every of them, and the ſurvivors and ſurvivor of them and his heires ſhall ſtand and be ſeiſed of, and in all the ſaid mannors, &c. with the appurtenances, to the onely uſe and behoofe of the ſaid R. S. his heires and aſſignes for ever, and to, and for none other uſe, intent or purpoſe: any thing to the contrary thereof in any wiſe notwithſtanding. In witneſſe &c.

An aſſurance to be made to a man for terme of his life, and after his deceaſe to the uſe of his children, and to be aſſured for payment of his debts.

THis Indenture &c, Betweene W. B. I. B. and T. H. on the one party, and T. S. on the other party, Witneſſeth that the ſaid T. S. hath covenanted &c. that he the ſaid T. S. before the Nativity of S. Io. Bapt. nert inſuing the date hereof, ſhall as well in conſideration that all ſuch mannors, &c. appointed for the Jointure of Lady E. now wife of the ſaid T. S. ſhall be acquited and diſcharged of all rents and other charges reſolute, going out of the lands, &c. and for and in conſideration of payment of the debts of the ſaid T. S. or of the mariage of the daughter of the ſaid T. S. ſhall make, or cauſe to be made to the ſaid W. B. I. B. and T. H. or to ſuch other perſon or perſons, as they, or any two of them ſhall for that purpoſe name or appoint, a good, ſure, ſufficient, and lawfull eſtate or eſtates in the law in fee ſimple, of, and in the Rectory and Parſonage of D. and the mannors of A. and B. &c. To have and to hold all and ſingular the aforeſaid parſonages, rectories, mannors, lands, &c. to the ſaid W. B. I. B. and T. H. and their heires, or to ſuch other perſon or perſons, as they, or the ſurvivor or ſurvivors of them, or their heires ſhall name and appoint, and to their heires, to the uſe of the ſaid W. B. I. B. and T. H. for terme of two yeares nert inſuing, &c. to the intent that they with the rents, iſſues, and profits of the ſame, ſhall and will well and truly content and pay, during the ſaid terme, all ſuch rents, fees and annuities to all and every ſuch perſon and perſons as bee expreſſed and mentioned in certaine ſcedules indented, to theſe preſent Indentures annexed. And it is further covenanted &c. that if any money ſhall happen to remaine unpaid in the hands of the ſaid W. B. I. B. and T. H. their heires, &c. after the ſaid yeerely rents and annuities contented and payed, to any of any other perſon or perſons named in any of the ſaid ſcedules, to whom any fee, annuall rent, or annuity ought to be paid and fortune to be, ſo that the rent, fee, and annuity before payable unto him ſo dying extinguiſhed, or if any of the ſaid annuities, rents, or fees be otherwiſe diſcharged or determined: That then the ſaid W. B. I. B. and T. H. their heires, &c. ſhall from time to time during the ſaid terme of two yeares, well and truly content and beſtow the ſame money ſo remaining and growing by ſuch diſcharge, toward the payment of ſuch debts as are contained and expreſſed in one other ſcedule indented hereunto annexed, and the ſaid annuities and debts diſcharged, ſhall well and truly perceive and take the money ſo remaining unpaid and growing, in, and upon the premiſſes, towards the mariages of M. A. and M. daughters of the ſaid T. S. untill ſuch time as they have received, levied, and taken of the ſaid

Sect. 267.

rents, iſſues, and profits 900. pounds of good &c. Provided alwaies, and it is further covenanted, &c. that after the ſaid annuities, fees, debts, and marriage money diſcharged and payed, the ſaid W. B. J. B. and T. W. and their heires, and all and every other perſon, &c. that ſhall be ſeiſed of, and in the premiſſes or any part thereof, ſhall ſtand and be ſeiſed, of, and in all and ſingular the premiſſes with their appurtenances to the uſe and behooſe of the ſaid T. S. during his life without impeachment of any waſte. And that after the deceaſe of the ſaid T. S. they ſhall ſtand and be ſeiſed of as much thereof as ſhall amount to the yeerely value of rr. li. of &c. to the uſe of W. S. one of the younger ſonnes of the ſaid T. S. for the terme of the life of the ſaid W. S. and of, and in ſo much thereof as ſhall amount to the other rr. li. of &c. to the uſe of H. S. one other of the younger ſonnes of the ſaid T. S. for terme of life of the ſaid H. and of the reſidue thereof immediately after the death of the ſaid T. S. and of, and in the premiſſes appointed to the uſe of the ſaid W. S. and H. S. to the uſe of H. S. ſonne and heire apparant to the ſaid T. S. and of the heires of his body lawfully begotten, and for default of ſuch iſſue, to the uſe of the ſaid W. S. ſecond ſonne of the ſaid S. and to the heires of his body lawfully begotten, and for default of ſuch iſſue of the body of the ſaid W. S. to the uſe of the ſaid H. S. and to the heires of his body lawfully begotten, and for default of ſuch iſſue to the uſe of the right heires of the ſaid H. S. and their heirs for ever, &c. ut ſupra. Provided alwayes, and upon condition following, and it is fully covenanted, granted, condeſcended concluded, and agreed, by and betweene the ſaid parties to theſe preſent Indentures, and it is the true intent and meaning thereof, that it ſhall be lawfull, to, and for the aforeſaid A. B. at any time and every time and times, and from time to time from henceforth during his life, by his deed or writing by him ſealed before two ſufficient witneſſes or moe, to alter, determine, diminiſh, or inlarge any or all the uſe, uſes, eſtate, eſtates, limitations or intents compriſed in theſe Indentures, and alſo at his will and pleaſure by his deed or writing by him ſealed before two ſufficient witneſſes, or more, as aforeſaid, to limit and appoint the uſe or uſes of the aforeſaid meſſuages and premiſſes or of any part of the ſame to the aforeſaid perſons or any of them, or to any other perſon or perſons in fee ſimple, fee taile, for terme of life, or for peeres, or otherwiſe, and that they the ſaid feoffees and the ſurvivors and ſurvivor of them and his heires ſhall ſtand and bee ſeiſed of the ſaid tenements, and premiſſes with the appurtenances, to ſuch and the ſame uſes, that in his ſaid writing to bee ſealed by him before two ſufficient witneſſes or more, ſhall bee limited or appointed, and to none other uſe or uſes, intent or purpoſe: any matter or thing before in theſe Indentures

ſures mentioned, to the contrary thereof notwithſtanding. In wit-neſſe &c.

A covenant that Ceſtyque uſe for yeeres ſhall diſpoſe the profits for the education of the feoffers children.

ANd it is agreed betweene the ſaid parties, & the ſaid G. T. &c. doth Sect. 268.
covenant &c. to and with the ſaid H. B. his heires, &c. to beſtow the
illues, rents, revenues and profits of the premiſſes, that they or any of
them ſhall receive, and ſhall be intitled to have, take, or receive, in or du-
ring the ſaid terme of, &c. in manner and forme following: That is to
ſay, to pay, or cauſe to be payed yeerely, after the deceaſe of the ſaid H.
B. to every of the iiij. daughters of the ſaid H. B. named A. E. R. and E.
or to the uſe of every of them, to, and for their finding and bringing up,
v. li. of &c. untill their ſeverall ages of xxj. yeeres or their ſeverall dates
of marriage, ſo that aſſoone as any of them ſhall attaine to her ſeverall
age of xxj. yeeres or to her day of marriage, that the payment to her, or
to many of them as ſhall come to full age, or be married, to ceaſe. And
yeerely after the deceaſe of the ſaid H. B. unto every of the ſaid three
ſonnes of the ſaid H. B. named I. N. and H. or to the uſe of every of
them, to, and for their ſeverall finding and education xv. li. of lawful mo-
ney of England, untill the end and determination of the reſidue of the
ſaid terme of 18. yeeres, that ſhall be to come at the time of the death of
the ſaid H. B. and if any of the ſaid I. N. and H. fortune to dye within
the ſaid terme, that his or their part or parts of the ſaid yeerely pay-
ments ſo deceaſing, to be payed on, unto his or their next heir. And the
overplus of the ſaid illues and profits that ſhall remain over and above
the ſaid payments had and made, the coſts and charges of the levying
and receiving thereof, as well in bailiffes fees, as otherwiſe deducted, the
ſame to be payed to the ſaid three ſonnes, or to the ſurvivor or ſurvivors
of them, at the end of the ſaid eighteene yeeres, &c.

A covenant for to barre or extinguiſh Remainders.

ANd further the ſaid G. T. and T. W. for them &c. That the ſaid Sect. 269.
G. T. and T. W. or either of them, their heires, executors, nor ad-
miniſtrators, nor the heire, or executors, nor adminiſtrators of either of
them, ſhall at any time hereafter accept, receive, take, or claime any re-
leaſe, acquitance, writing, benefit, advantage, or diſcharge of any cove-
nant, grant, article, or agreement contained in theſe preſents, which
ſhall bar, hinder, extinguiſh, or determine any agreement, intent or mea-
ning contained, meant, or implyed, in, or by theſe preſents of any of the
ſaid A. D. H. R. ſeverally, or jointly with others, unles it be with the full

aſſent, conſent, and agreement of all the ſaid executors, or of as many of them as ſhall be then living.

A covenant that feoffees in uſe ſhall not do any act to fruſtrate uſes.

Sect. 270. AND further the ſaid P. P. &c. that they the ſaid P. P. and T. W. nor either of them, nor the heires, executors, adminiſtrators, of them, or either of them, ſhall at any time hereafter accept, receive, take, or claime any releaſe, acquitance, benefit, advantage, or diſcharge of any covenant, grant, article and agreement contained in theſe preſents, or which ſhall barre, hinder, or extinguiſh, or determine any agreement, intent or meaning, contained, meant, or implied, by theſe preſents, to and with each of the ſaid H. and R. whiles they both be living.

A feoffement to uſes alterable by the feoffor, &c.

Sect. 271. THis Indenture made &c. Witneſſeth, that the ſaid A. B. for &c. hath given, granted, &c. to the ſaid C. D. & E. F. all thoſe meſſuages, tenements, &c. To have and to hold the ſaid meſſuages or tenements, and all and ſingular the premiſſes with the appurtenances, unto the ſaid C. D. and E. F. their heires and aſſignes for ever, to ſuch uſes, intents and purpoſes as hereafter in theſe preſents are expreſſed, limited, and declared, and to and for none other uſe, intent, or purpoſe: that is to ſay, to the uſe of the ſaid A. B. for, and during the terme of threeſcore yeeres, next inſuing the date hereof fully to be complete and ended, if the ſaid A. B. do ſo long live. And after that to the uſe of J. now wife of the ſaid A. B. for the terme of threeſcore yeeres, from thence next following fully to bee complete and ended, if the ſaid J. doe ſo long live, and after that to the uſe of L. M. of N. in the County of N. Gentleman, and N. O. of P. in the County of S. Gentleman, their heires and aſſignes for ever. Provided alwaies, and upon condition following, and it is fully covenanted, granted, condeſcended, concluded and agreed, by and between the ſaid parties to theſe preſent Indentures, and it is the true intent and meaning thereof, that it ſhall be lawfull, to and for the aforeſaid A. B. at any time and every time and times, and from time to time from henceforth during his life by his deed or writing by him ſealed before two ſufficient witneſſes or more, to alter, determine, diminiſh, or inlarge any, or all the uſe, uſes, eſtate, eſtates, limitations, or intents, compriſed in theſe Indentures, and alſo at his will and pleaſure by his deed or writing by him ſealed before two ſufficient witneſſes or more, as aforeſaid, to limit and appoint the uſe or uſes of the aforeſaid meſſuages and premiſſes, or of any part of the ſame to the aforeſaid perſons, or any of them or to any other

other perſon or perſons, in fee ſimple, fee taile, for terme of life, or of yeeres, or otherwiſe. And that they the ſaid feoffees, and the ſurvivor of them, and his heires, ſhall ſtand and be ſeiſed of the ſaid tenements and premiſſes with the appurtenances, to ſuch and the ſame uſes, that in his ſaid writing to be ſealed by him before two ſufficient witneſſes, or moe ſhall be limited, or appointed, and to none other uſe or uſes, intent, or purpoſe: any matter or thing before in theſe Indentures mentioned to the contrary thereof notwithſtanding. In witneſſe whereof, &c.

A deed to alter the uſes in the former Indenture and to create new.

TO all Chriſtian people &c. A. B. of C. ſendeth greeting in our Lord God everlaſting. Whereas the ſaid A. B. by his Indenture made betweene him the ſaid A. B. on the one party, and C. D. of &c. and E. F. of &c. on the other party, bearing date, &c. in the two and thirtieth yeere of the reigne of our Soveraigne Lady the Queenes Majeſty that now is, for divers good cauſes and conſiderations him at that time moving, did give, grant, infeoffe, and confirme unto the ſaid C. D. and E. F. all thoſe meſſuages, &c. (as in the former Indenture) in the ſaid County of D. or elſewhere within the Realme of England, which late were the lands &c. of G. H. in L. in the ſaid County of D. Gentleman. To have and to hold, &c. unto the ſaid C. D. and E. F. their heires and aſſignes for ever, to ſuch uſes, intents, and purpoſes, as be ſpecified, mentioned, limited, and declared in the ſaid Indenture. In which ſaid Indenture there is contained one proviſo or condition, the tenour or effect whereof is as followeth. Provided alwaies, and upon condition following, and it is fully covenanted, &c. (reciting the Proviſo of the former Indenture verbatim.) Know you now therefore him the ſaid A. B. according to the tenour, purport, and true meaning of the ſaid Indenture, to bee minded, diſpoſed, and fully determined to alter and change the uſes declared in the ſaid Indenture: And therefore hee the ſaid A. B. doth by theſe preſents notifie, ſignifie and declare, that the aforeſaid meſſuages, tenements, cottages, lands, meddowes, feedings, paſtures, hereditaments, and premiſſes, with the appurtenances, and the uſes in the ſaid former Indenture expreſſed, and all aſſurance, and aſſurances heretofore had, made, knowledged, and ſuffered of the ſaid premiſſes, or any part thereof, ſhall from henceforth remaine and be to ſuch perſon and perſons, and to ſuch intents and purpoſes, as hereafter in theſe preſents are expreſſed and declared: the ſaid former Indenture, or any other aſſurance or conveyance had of the ſaid Tenements

and premiſſes, or any part thereof to the contrary thereof in any wiſe notwithſtanding. That is to ſay, the ſaid meſſuages, cottages, lands, tenements, hereditaments, and premiſſes, ſhall bee to the uſe of the ſaid A. B. for and during the terme of xl. yeeres, next inſuing the date hereof, fully to be complete and ended, if the ſaid A. B. doe ſo long live. And after to the uſe of I. wife of the ſaid A. B. for and during, &c. And afterwards to the uſe of my well beloved friends W. W. of R. in the County of Y. Gentleman, and E. S. of S. in &c. Gentleman, their heires and aſſignes for ever. In witneſſe &c.

A condition to alter uſes.

Sect. 273. PRovided alwaies, and it is further covenanted, granted, and agreed betweene the ſaid parties, that if it ſhall fortune the ſaid T. T. at any time during his life, by writing under ſeale inrolled in any Courts Record, to grant unto the ſaid, &c. or to any of them, or to any other perſons before mentioned, one moity of, &c. That then, and from thenceforth the ſaid eſtate, and all and every the uſes before in theſe preſents mentioned, to be utterly void and of none effect, and that then, and from thenceforth, as well the ſaid, &c. (expreſſing the feoffees) and their heirs and aſſignes, as alſo all their eſtate, and all other aſſurances hereafter to be had and made, of, or in the ſaid tenements and premiſſes, or any part or parcell thereof, to the uſes aforeſaid, ſhall be to the only uſe of the ſaid T. T. and his &c. And that then, and from thenceforth it ſhall be lawfull, to and for the ſaid T. T. &c. and to every of them to reenter into the ſaid tenements and premiſſes, and the ſame to have againe and repoſſeſſe as in their former eſtate: Theſe Indentures or any thing therein contained to the contrary hereof in any wiſe notwithſtanding, &c.

A condition to alter uſes.

Sect. 274. PRovided alwaies, and upon condition, &c. that if it ſhall happen the ſaid T. T. hereafter at any time to have iſſue of his body lawfully begotten, or any wife of the ſaid T. T. at the time of his deceaſe to be inceint with any iſſue begotten by the ſaid T. T. that then within ſix moneths after ſuch iſſue had, and after five hundred markes paid to any perſon or perſons, for, or in the name of ſuch iſſue to the ſaid A. &c. or tendered and refuſed, or not received by the ſaid A. &c. the uſe of the ſaid land, &c. ſhall be and inure, and the ſaid feoffees, &c. ſhall thereof ſtand and be ſeiſed to the uſe of the heires of the ſaid T. of his body lawfully begotten, and of the heires of their bodies lawfully begotten. And for defaut of ſuch iſſue, to the heires of the right heires of the ſaid T. T. and their heires for ever, &c.

A

A liberty to grant leaſes.

PRovided alwaies, and the true intent and meaning of the parties to theſe preſents is, and the ſaid T. S. doth for him, and his heires, covenant and grant, to and with the ſaid R. D. his executors and aſſigns, by theſe preſents, that the ſaid R. D. ſhall and may at all times from time to time, during his life, without any let or diſturbance of the ſaid T. S. his heires, executors, or adminiſtrators, demiſe, grant and leaſe, the ſaid mannors, lands, tenements, and hereditaments, or any part or parcell thereof (the lands, tenements, and hereditaments appointed to be conveyed and aſſured to the ſaid R. and E. for terme of her life, as is aforeſaid, and the manner houſe, ſcite, and demeane lands of H. only excepted) to any perſon or perſons for terme of three lives or under, or for terme of xxi. yeeres or under, in ſuch manner and forme, as a tenant in taile may lawfully doe, and not otherwiſe, ſo as there be reſerved, in, and upon every ſuch leaſe and leaſes, the uſuall and old accuſtomed rent or more, and appointed to be payable yeerely during the ſame terme, to ſuch perſon or perſons, as by force of theſe preſents, and the conveyances to be made, and agreed to be made by the force of theſe preſents ſhall or ought, after the deceaſe of the ſaid R. have the immediate reverſion or remainder thereof: any thing to the contrary hereof in theſe preſents contained notwithſtanding. Sect. 275.

A liberty for the feoffer in uſe to make annuities and ioyntures.

PRovided alſo, and it is condeſcended and agreed betweene the ſaid parties, that the ſaid R. D. ſhall and may at any time hereafter by his writing or writings indented, convey and aſſure, or by his laſt will and teſtament, give, deviſe, and appoint, ſeverally and not joyntly, to every or any the younger ſonne or ſonnes of the ſaid R. of the body of the ſaid A. his wife lawfully begotten, one annuity or yeerly rent charge of x.li. to every of them ſeverally, to be iſſuing, going out, and to be perceived of, out, and upon the ſaid mannors, lands, and tenements, (except the ſaid lands and tenements appointed for the joynture of the ſaid E. for terme of life as is aforeſaid) for, and during all the naturall life, or ſeverall lives of every of ſuch ſonne or ſonnes. And it is in like manner condeſcended and agreed betweene the ſaid parties, that where the above recited lands, tenements, and hereditaments to be aſſured for the joynture of the ſaid E. and ſpecifyed in the ſaid ſcedule, are now parcel of the joynture lands of the ſaid A. that he the ſaid R. D. ſhall have full liberty to aſſure and convey certaine lands, tenements, and hereditaments called Sect. 276.

led R. for the joynture of the ſaid A. during her naturall life, in full recompence and ſatisfaction of the ſaid lands and tenements ſpecifyed in the ſaid ſcedule, and to be aſſured for the joynture of the ſaid E. as is aforeſaid.

A condition to alter uſes.

Sect. 277. PRovided alſo further, that it ſhall be lawfull, for, and for the ſaid Sir T. M. at any time, or from time to time at his pleaſure, during his life by his writing indented, or by his laſt will and Teſtament in writing, by him ſealed and ſubſcribed, to alter, determine, diminiſh, change, or inlarge, any uſe or uſes, conditions, limitations, or intents, compriſed in theſe preſents, the ſaid eſtate of D. M. onely excepted. And alſo at his pleaſure by the ſame his writing indented, or by his laſt will and teſtament, ſealed and ſubſcribed, as is aforeſaid, to limit and appoint, give, and grant the uſe of the ſaid mannors, lands, tenements, and hereditaments with their appurtenances, or of any parcell of the ſame, to the ſaid perſons, or any of them, or to any other perſon or perſons, in fee ſimple, fee tayle, for terme of life or lives, or yeeres or otherwiſe, (the eſtate and intereſt of the ſaid D. M. alwaies being ſaved unto her:) theſe Indentures, or any uſe or uſes, thing or matter aboveſaid in theſe Indentures to the contrary in any wiſe notwithſtanding. And that after ſuch alteration, determination, diminiſhing, or inlarging, limiting, or appointing, any uſe or uſes, conditions, or intents of the premiſſes, or of any part or parcell thereof, as is aforeſaid, the uſe onely of ſo much of the premiſſes, whereof any alteration, determination, diminiſhing, or inlarging ſhall be ſo had and made, ſhall be to ſuch perſon and perſons, uſes, intents and conditions as ſhall be mentioned, ſpecifyed, or declared in that writing indented, or laſt will and teſtament onely, and to none other perſon or perſons, uſes, intents, nor proviſoes. Provided further, and it is declared by theſe preſents, that the true intent and meaning of this Indenture is, that when any uſe or uſes above limited, or any eſtate thereby made or growne by vertue or meaning of theſe Indentures, or by any proviſoes, conditions, or limitations aforeſaid, ſhall ceaſe, end, and determine, by breaking of any proviſo or condition: that then immediately the uſe of ſuch and ſo much of the premiſſes, whereof any uſe or eſtate above limited, ſhall ſo ceaſe, end or determine, ſhall bee immediately, after former limitations in uſe, ended, ceaſed, or determined, in ſuch perſon or perſons, to whom the uſe thereof is next limited and appointed by theſe Indentures, of like eſtate, and in manner and forme, as the ſame ſhould have beene, if the ſame limitation had beene without any proviſo or condition, and had beene ended indeed.

The limitation of uſes.

ANd it is further covenanted, &c. that the ſaid feoffees ſhall be ſeiſed of the ſaid mannors, lands, &c. to the uſe of the ſaid A. and the ſaid iſſues males, &c. untill ſuch times as the ſaid A. or any one or moe of his iſſues males, after hee, they, or any of them ſhall be owners of the premiſſes, or of any part or parcell thereof, in poſſeſſion, reverſion, or remainder, ſhall either doe, or ſuffer to be done, ſome act or acts, thing or things, for the diſcontinuance of the taile of the premiſſes, or any part or parcell thereof, or for taking away the right of the premiſſes, or of any part or parcell thereof, otherwiſe then is appointed by the act of Parliament made in the two and thirtieth yeere of the reigne of King Henry the eight intituled, An act that the leaſſees ſhould enjoy their Farmes againſt the tenant in taile, or in the right of their wives, or Churches, whereby the ſtate of intaile of the premiſſes, or any part or parcell thereof, or the right of the ſaid eſtate in the premiſſes, or in any part thereof limited by theſe preſents to the ſaid A. and his heires males aforeſaid, ſhal not, or cannot take place, according to the true intent of his deed intented, and the meaning of the ſaid B. &c. And then to the uſe of the &c. limiting other uſes, Sect. 278.

A covenant reſerving power to alter and raiſe uſes.

PRovided alwaies, if it ſhall chance the ſaid I. S. by his Teſtament and laſt will, made in writing and ſealed with his owne hand, or by Indenture inrolled, and ſubſcribed with his owne hand, or by deed of feoffement, or other conveyance in writing, ſealed with his hand and deale to deviſe, aſſure, appoint, or convey, the premiſſes, or any parcell thereof, or any rents, annuities, fees, offices, or any other profits, commodities or advantages going out, or comming out of the premiſſes, or any parcell thereof, or by any writing indented, ſealed by the hands of the ſaid I. D. and ſubſcribed, and delivered by him, to limit, diſpoſe, appoint, or aſſigne the uſe or uſes, of all and ſingular the premiſſes, or any parcell thereof, or to appoint any rents, annuities, offices, fees, commodities, profits or advantages out of the premiſſes, or any part thereof, or the uſes thereof, in any other ſort then before is ſpecifyed in theſe preſents, that then and from thenceforth as well the aſſurances aforeſaid ſhall bee, as the ſaid R. D. &c. their heires and aſſignes, as alſo all and every other perſon and perſons, and their heires, any thing lawfully having or claiming in the premiſſes, or any part thereof, by the ſaid R. D. &c. their heires or aſſignes, or after or under, their eſtate or intereſt, ſhall ſtand and bee ſeiſed of the premiſſes, Sect. 279.

præmiſſes, or of ſuch parcell of the ſame, ſo deviſed, aſſured, conveyed, limited or appointed, and alſo ſhall ſtand and be ſeiſed to ſuch uſe and behoofe, and of ſuch perſon or perſons, to whom ſuch annuities, fees, profits, commodities or advantages of the præmiſſes, ſo ſhall be deviſed, conveyed, limited, aſſured, or appointed of ſuch eſtate and intereſt, as in the ſame conveyance, laſt will, or feoffement, or in the ſame writting, and every or any of them ſhall be conveyed, and not otherwiſe, nor in any other manner: any thing to the contrary notwithſtanding.

A covenant to alter uſes.

Sect. 280. AND it is further condeſcended and agreed betwixt the ſaid parties, and every of them, for themſelves, their heires and aſſignes do covenant and grant to each other of the ſame parties, and their heires and aſſignes, that if it fortune at any time hereafter the ſaid M. M. during his life, to draw and ingroſſe in parchment, or cauſe &c. another indenture with certaine covenants contained in the ſame, to lead to the uſe of the ſame recoveries, fines, and aſſurances in another ſort and order then in theſe præſent Indentures they be lead, limited, and beſtowed, and the ſame ſo drawen and ingroſſed ſhall ſeale and deliver as his deed, that then immediately upon the ſumme of ten ſhillings of lawfull &c. diſtributed and beſtowed amongſt the poore inhabitants of the manor of H. the ſame aſſurances and every of them ſhall bee, and the ſame A. B. C. D. their heires and aſſignes, and every other perſon or perſons, having or juſtly claiming to have any eſtate or thing in the ſame præmiſſes, or any part thereof, ſhall ſtand and be ſeiſed of the ſame, to the only uſes contained in theſe Indentures, and to none other uſes nor intents: any thing in theſe Indentures to the contrary thereof notwithſtanding, &c.

See more of Uſes in Covenants to levie fines and ſuffer Recoveries, and in Covenants to make Aſſurances, Covenants of marriage and Ioyntures.

A Proviſo for diſcontinuance of Vſes.

Sect. 281. PRovided alwaies, that if any the ſaid ſonnes of the ſaid J. S. of his body lawfully begotten, or any, &c. ſhall at any time hereafter adviſedly, willingly, determinately, and effectually procure or aſſent, to or for any act or acts, thing or things, for any bargaine, ſale, diſcontinuance, alienation, exchange, or forfeiture to bee had or made of the ſaid lands, tenements, hereditaments, and other the præmiſſes, or of any part or parcell thereof to him or them, or any of them, as is aforeſaid, by theſe præſents limited, declared, or agreed to be conveyed in uſe or poſſeſſion, whereby

whereby any eſtate of the premiſſes or any part or parcell thereof in uſe
or poſſeſſion mentioned, limited, or declared by theſe preſents, may,
ould, or might by any waies, or by any meanes be undone, diſconti-
ued, debarred, altered, determined or forfeited, and the ſame bargaine,
le, diſcontinuance, alienation, exchange, or forfeiture, or any other
en or effectuall thing or act towards the ſame effect ſhall attempt, &c.
by any other effectuall act or acts, thing or things whatſoever, where-
or whereby any bargaine, ſale, diſcontinuance, alienation, exchange,
forfeiture, ſhall or may inſue: That then immediately from and after
e time of ſuch procuring, attempting, cauſing, commanding, willingly
ſenting, ſuffering, or going about, in manner and forme as is aforeſaid,
d before any ſuch bargaine, ſale, diſcontinuance, alienation, exchange,
forfeiture, had, made, or perfected, executed, committed, or done, the
d uſe and uſes, eſtate and eſtates, limited and declared in theſe pre-
nts, to him or them that ſo ſhall attempt, cauſe, procure, command, or
ittingly aſſent or ſuffer any ſuch act or acts, thing or things, to be pro-
uted, executed, performed, done, or put in ure, in manner above decla-
d, whereupon any bargaine, ſale, diſcontinuance, alienation, exchange,
forfeiture ſhall or may inſue contrary to the true meaning of theſe
eſents, of, and in ſuch, and ſo much of the ſaid manners, lands, tene-
nts, and hereditaments, with the appurtenances, for which any of the
ings aforeſaid, ſhall be attempted, cauſed, procured, commanded, af-
ted, or ſuffered to be executed, performed, done, or put in ure, contra-
e to the true meaning of theſe preſents, ſhall ceaſe onely, as in reſpect
d having regard to ſuch a perſon or perſons, ſo attempting, procuring,
ſing, commanding, willingly aſſenting to, ſuffering, or going about
y act or acts, thing or things, abovelaid, contrary to the intent and true
eaning of theſe preſents, in ſuch ſort, quality, degree, and condition, as
ſuch perſon or perſons, their heire, or heires, ſo attempting, procu-
ing, cauſing, commanding, willingly aſſenting to, ſuffering, or going
bout any ſuch act or acts, thing or things, as is aforeſaid, were natural-
dead, and no otherwiſe. And then and in ſuch caſe ſhall immediately
me, grow, or be, by the true intent and meaning of theſe preſents, as if
ch perſon or perſons that ſo ſhall procure or aſſent, to, or for any ſuch
act or acts, thing or things were naturally dead, of ſuch like eſtate, and in
like manner and forme, and with ſuch like remainders in uſe over, and
with like limitations and conditions, as the ſame ſhould have come,
rowen, or beene if the ſame perſon that ſo ſhall procure, or aſſent to or
or any ſuch act or acts, thing or things to be done, at, or immediately be-
fore the time of ſuch procuring or aſſenting were naturally dead, and
none otherwiſe.

A liberty by Vſes to make Leaſes.

Sect. 82. PRovided alſo, and it is fully covenanted, granted, and agreed by all the parties to theſe preſents, that it ſhall and may be lawfull to, and for the ſaid Sir I. S. by his deed or deeds indented, during the naturall life of the ſaid Sir I. S. to demiſe and leaſe the aforeſaid mannors, lands, tenements, and other the premiſſes appointed by theſe preſents to be conveyed and aſſured to the aforeſaid M. S. F. S. M. N. and L. M. and their heires, to the uſe of the ſaid M. for terme of his naturall life, without impeachment of waſte, and after his deceaſe to the uſe of I. S. the ſonne, and of the heires males of the body of the ſaid I. S. the ſonne of the body of the ſaid M. lawfully begotten, and for default of ſuch heires, to the uſe of the heires of the body of the ſaid I. S. the ſonne lawfully begotten, with other eſtates in uſe of the ſame, as is aforeſaid, to any perſon or perſons for the terme of xxi. yeares and not above, or for any leſſer terme or termes from the making of the ſame leaſe or leaſes, whereof no former leaſe and leaſes, of, and in the ſame mannors, lands, and tenements, ſo to be demiſed, ſhall at the time of the making of the ſame leaſe or leaſes, have beeing and continuance. So that upon every the ſame leaſe or leaſes ſo to be made, the old and accuſtomed rent and rents or more ſhall be reſerved, to have continuance, and ſhall be payable yeerely during the ſame leaſe or leaſes, to ſuch perſon or perſons as ſhall have the immediate reverſion or remainder thereof during the ſame leaſe or leaſes, to be made. And ſo that the ſame leaſe nor leaſes, nor any of them, be made without impeachment of waſte, and that then the ſaid aſſurance and aſſurances to be made, as is aforeſaid, ſhall be, and the ſaid M. S. F. S. M. N. and L. M. and their heires ſhall ſtand and be ſeiſed of, and in the premiſſes ſo to be demiſed or leaſed, as is aforeſaid, to the uſe and uſes of ſuch ſeverall perſon and perſons, to whom the ſaid premiſſes or any parcell thereof ſhall be ſo leaſed, their executors, adminiſtrators, and aſſignes, for and during ſuch terme and termes as been before declared, or under, as ſhall be limited upon any ſuch leaſe or leaſes to be made, as is aforeſaid, upon any ſuch like ſeverall conditions to be annexed to the uſes, for non-payment of the ſeverall rents ſo to be ſeverally reſerved upon ſuch leaſes, as ſhall be limited in the ſame leaſes, and annexed to the leaſe of the ſaid lands, by the true intent and meaning of ſuch leaſes: any thing in theſe preſents mentioned or expreſſed to the contrary in any wiſe notwithſtanding.

Convey-

Conveyances to uſes.

ANd to the uſes that the ſaid W. P. may during his life make joynter or joynters of all ſuch lands, tenements and hereditaments in . aforeſaid, parcell of the premiſſes laſt recited, being now in the poſſeſſion of T. P. and I. P. brethren of the ſaid W. to any ſuch wife or wives as they the ſaid T. and I. P. or either of them, ſhall fortune hereafter to marie or take to wife, for and during their naturall life or lives. And that it ſhall likewiſe bee lawfull to the ſaid W. P. to make joynter or joynters of lands, tenements, and hereditaments, in S. and K. parcell of the premiſſes laſt recited, to the yeerly value of &c. to any wife or wives, that he ſhall hereafter fortune to marie and take to wife other then P. his now wife, for and during the naturall life or lives, of any ſuch wife or wives. And further, that it ſhall be lawfull, to and for the ſaid W. P. during his life, and to the ſaid T. P. his ſonne and heire apparant after his death, to make a jointer or jointers to any ſuch wife or wives as the ſaid T. P. the ſonne ſhall hereafter fortune to marry, of the ſaid mannors, lands, tenements, and hereditaments, parcell of the premiſſes laſt recited, of the yeerly rent of forty pounds above all charges and repriſes. And that the ſaid W. P. ſhall have in like manner free liberty and lawfull authority and power during his naturall life, of lands, tenements, and hereditaments, parcell of the premiſſes laſt recited, of the yeerely rent of twenty pounds, to make leaſes and grants thereof to the younger ſonne or ſonnes of the ſaid W. for terme of their naturall life or lives, or thereof, or of any part thereof, to declare his laſt will and teſtament, for the perfourmance thereof and payment of his debts, ſo that it bee but for ſpace and terme of twenty yeeres, or under, next after the death of the ſaid W. And that the ſaid I. P. and other the ſaid Conſees and their heires, ſhall ſtand and be ſeiſed of the ſaid premiſſes, or any part thereof appointed, limited, or aſſigned by the ſaid W. P. for the jointer or joinders of his wife or wives of the ſaid brethren, or either of them, or for any wife that the ſaid W. ſhall hereafter marie, or the wife or wives of the ſaid T. P. or to his younger ſonne or ſonnes, during life or lives, in manner and forme aforeſaid, to the uſe of ſuch perſon and perſons as the ſaid W. ſhall aſſigne, limit or appoint the ſame during the time aforeſaid, and according to the limitation aforeſaid. Sect. 283.

Truſt

Truſt.

A bargaine and ſale in truſt to uſes.

Sect. 284. THis Indenture tripartite, &c. Between T. T. on the firſt party, T. C. D. and E. on the ſecond party, and F. G. H. I. and K. on the third party, Witneſſeth, that the ſaid T. T. for the ſpeciall truſt and confidence that he hath in the ſaid A. B. C. D. E. F. G. H. I. K. and for the ſumme of &c. Hath given, bargained, and ſold, and by theſe preſents doth give, bargaine, and ſell unto the ſaid A. B. &c. all thoſe his lands, &c. To have and to hold, &c. during the naturall life of the ſaid T. T. and for and during the terme of ten yeeres next and immediatly following after the naturall death of the ſaid T. T. And after the death of the ſaid T. T. and after the ſaid terme of ten yeeres ended and determined, then to have and to hold the ſaid mannors, lands &c. to the ſaid A. B. C. D. &c. their heires and aſſignes, to the uſe of them and their heires, &c. And upon condition that if the ſaid G. H. I. and K. and their heires, or the ſurvivor or ſurvivors of them, and his and their heires ſhall before the naturall death of the ſaid T. T. or within ſix yeeres next after the naturall death of the ſaid T. T. alien, bargaine, and ſell the premiſſes with the appurtenances, or ſo much thereof as by the ſaid T. T. ſhall be limited or appointed by him, by word or by writing, will, or otherwiſe, and the deſire and requeſt of the ſaid T. T. is, that after the bargaine, ſale or alienation ſo had or made, the ſaid A. B. C. D. &c. for the ſpeciall truſt and confidence that the ſaid T. T. doth put in them, ſhall within ſix moneths next after ſuch bargaine, ſale or alienation, purchaſe, or cauſe to be purchaſed, other lands, tenements, and hereditaments, of as much cleere yeerely value as the premiſſes that ſhall be ſo bargained or ſold by them or any of them ſhall amount unto, and that the ſurvivor or ſurvivors of them ſhall within ſix monethes after ſuch purchaſe, cauſe the ſame lands ſo purchaſed to bee by good aſſurances and conveyances in the ſaid Law aſſured and made ſure to the heires of the ſaid T. T. in fee ſimple diſcharged of all manner of charges and incumbrances by them to bee had, made, done or ſuffered.

Provided alwaies, that for default of ſuch bargaine, ſale, or alienation of the premiſſes, by theſe preſents given or granted, bargained or ſold, from and after the ſaid naturall death of the ſaid T. T. and from and after the ſaid terme and end of ten yeeres next after the naturall death of the ſaid T. T. the ſaid A. B. C. and D. &c. and all and every perſon and perſons that ſhall be ſeiſed, of, or in the ſaid tenements, and premiſſes

mittes, shall stand and be seised thereof to the only use and behooke of the right heires of the said T. T. of, and in so much of the premisses by these presents given or granted, whereof no bargaine, sale, or alienation shall be hereafter by the said A. B. C. D. &c. so made as is aforesaid. And that then, and from thencefoorth it shall be lawfull for the said right heires of the said T. T. to reenter into so much of the premisses, whereof no such bargaine, sale, or alienation, as is aforesaid, shall be hereafter by the said A. B. so made as is aforesaid. And the said G. H. I. and K. doe covenant, &c. that they and every of them shall permit and suffer the said A. B. and C. &c. and every of them and their assignes quietly to receive and take the issues and profits of all and singular the said premisses with the appurtenances during the naturall life of the said T. T. and during the said terme of ten yeares next after his naturall death, without interruption or disturbance of the said G. H. I. and K. or any of them or any other person or persons, by the meanes and procurement of any of them, to be employed and bestowed to such purposes, uses, and intents as the said T. T. hath and shall assigne, limit, and appoint. And the said G. H. I. and K. for themselves doe covenant, &c. That if it shall fortune the said A. B. and C. to decease during the naturall life of the said T. T. that then the said E. F. G. H. I. and K. and their executors and assignes, shall peaceably permit and suffer the said D. E. and F. and every of them and their assignes, to have, take, and receive all and singular the issues, rents, revenues and profits, of all and singular the premisses, and every part and parcell thereof, for and during, &c. without any letor impediment to be had, made, or procured by the said G. H. I. and K. or any of them, or any other person or persons, by the meanes or procurement of any of them, to be employed and bestowed to such uses and intents, as the said T. T. shall limit, declare, assigne, or appoint by word or writing. And the said T. T. for him, his heires and assignes doth covenant, &c. that the said, &c. and every other person and persons now being seised, of, and in the premisses, or of, or in any part or parcell thereof shall from henceforth stand and be seised thereof, and of every part thereof, to the uses, intents, behooses and conditions, in these presents before declared, mentioned, and expressed, and to, or for none other use, intent, or purpose. In witnesse whereof, &c.

Covenants to convey a Lease and goods in Trust, in stead of a Ioynture.

THis Indenture, &c. Betweene T. G. and W. L. &c. Witnesseth, that Sect. 285.
in consideration of a marriage to be had and solemnized betweene the said W. L. of the one party, and B. M. widow, daughter of the said

L. G. of the other party, It is now fully covenanted, &c. that is to say, the said W. L. &c. doth covenant &c. that where I. B. by his deed indented, dated &c. hath demised, granted, and to farme letten to the said W. L. all that his manor of C. To have and to hold &c. as by the said Indenture more plainly doth and may appeare, the said W. L. in consideration of the said marriage to be had and solemnized betweene him the said W. L. and the said B. in manner and forme aforesaid, and for the great zeale and love that he beareth to the said B. covenanteth &c. that he the said W. L. before the feast of &c. shall at the costs and charges of him the said W. L. his executors or assignes, by his deed indented, assured, demise, give, and grant to A. and C. the said manor of &c. together with all his right, title, interest, possession and terme, which the said W. L. hath in come, in, and to the same Manor, and other the premisses. To have and to hold the same to the said A. and C. and their executors, administrators and assignes, during the residue of the said terme of yeares yet to come, of, in, and to the said tenements and premisses, by vertue of the same Lease for yeares above in the said presents recited, upon condition only that the said A. and C. and their executors and administrators and the executors or administrators of the survivor or survivors of them, shall within vi moneths next after the same assurance, demise, gift and grant so by the said W. L. made of the premisses to the said A. and C. make or other demise and grant to the said W. L. and B. of the said Manor &c. to the said W. L. and B. their executors, administrators, and assignes, from the date of the same demise and grant so by the same A. and C. to be made to the said W. L. and B. for and during the residue of the said lease and terme of yeares, mentioned in the said former Indentures yet to come, fully to be accomplished and ended. In which Indentures there shall be a sufficient clause or proviso contained, That if it happen the said W. L. to dye, and the said B. him to overlive, and that after the death of the said W. L. it shall happen the said B. to dye before the end of the said terme of yeares comprised in the said lease made to the said W. L. in manner and forme aforesaid, that then the residue of the said terme of years, which shall so happen to remaine & be undetermined at the death of the said B. shall remaine, goe and be to the executors of the said W. L. And further the said W. L. covenanteth &c. that if it shall happen the said W. L. to dye, and the said B. to survive and overlive the said W. L. that then the said W. L. shall further in consideration of the said marriage by his last will and testament, freely give, assure and assigne to the said B. to his owne proper use towards her living, advancement and preferment, goods and cattels, then being discharged of all incumbrances, and which the said W. L. shall then have by good and just title, amounting to the

the cleare yearely value of &c. of the proper goods and cattels of the ſaid W.L. And further the ſaid W. L. covenanteth, &c. that after one aſſurance, grant and conveiance made of the ſaid terme and leaſe of the ſaid manors &c. by the ſaid A. and C. and to the ſaid W.L. and B. and to the longer liver of them, in manner and forme aforeſaid: That then and from thenceforth during the life of the ſaid W.L. and B. the ſaid W.L. ſhall not bargaine, ſell, ſurrender, forfeit, give nor alien the ſaid tenements and premiſſes, or any part thereof, nor his ſaid eſtate, terme or intereſt, of, in, or to the ſame, or any part thereof, nor ſhall in any wiſe incumber the ſaid manor, or other the ſaid premiſſes, or any part thereof, but that the executors of the ſaid W.L. ſhall acquite, diſcharge, and ſave harmles, as well the ſaid B. as the ſaid manor and other the premiſſes, and every part thereof, during all the ſaid terme of yeares, in, and to the ſaid premiſſes limited, appointed, and to be aſſured and conveied to the ſaid B. in manner and forme aforeſaid, of all &c. And further the ſaid W.L. covenanteth, &c. that he the ſaid W.L. his executors and aſſignes, ſhall and will at all times hereafter from time to time, do, ſuffer, and cauſe to be done and ſuffered, all and every ſuch act and acts, deviſe, thing and things, as hereafter ſhall be reaſonably deviſed, or adviſed by the ſaid C. G. his executors or aſſignes, or by his or their Counſell learned in the law, for the further and better aſſurance and ſure making, of, and to the ſaid leaſe and terme of yeares, of, and in the ſaid manor of C. &c. to be aſſured and made ſure to the ſaid W.L. and B. and to the ſurvivor of them, or to either of them in manner and form aforeſaid. Provided alwaies, and it is further covenanted, &c. betwixt the ſaid parties to theſe preſents, &c. and the ſaid W.L. for him, his heires, &c. covenanteth, &c. to, and with the ſaid C. G. that if it ſhall happen the ſaid W.L. or the ſaid B.M. to decreaſe, or dye before the ſaid marriage had betwixt them, or that any of them ſhall refuſe to marry with the other of them, at any time limited for the ſaid marriage, or that the Law of God them to marry will not permit and ſuffer, or any other lawfull impediment ſhall happen, wherby the ſaid marriage ſhall not take effect: That then the ſaid W.L. &c. ſhall ſatisfie, content, or otherwiſe repay to the ſaid C. G. &c. at W. &c. within one moneth next after ſuch death, refuſall, or other ſuch lawfull impediment, as is aforeſaid, the ſumme of &c. of good, &c. in full payment of the ſaid ſumme of &c. payed in marriage with the ſaid B.M. In witneſſe, &c.

To aſſure a leaſe for a joynture; convey parcell of the terme to the wives friends, if ſhe ſo long live, then let them reconvey parcell of their parcell to the husband, if he ſo long doe live.

A Conveyance in truſt by a widow, of a leaſe given unto her firſt husband, that her ſecond husband ſhould not ſell it away, as commonly it happeneth.

sect. 286. THis Indenture, &c. Betweene A.B. widow, late wife of T.B. and executrix of the laſt will and teſtament of the ſame T.B. on the one party, and P.I.B. and R.B. brethren of the ſaid A. on the other party, Witneſſeth, That whereas the ſaid T.B. by his laſt will and teſtament, bearing date, &c. did give unto the ſaid A.B. all that his intereſt, leaſe, and terme of yeares which he had of, and to the farme of S. and of all, &c. with all his goods, cattels, ſtuffe, and implements of houſhold then being and remaining there, Provided alwaies, that if it ſhall happen the ſaid A.B. to depart this naturall life before the end and terme of the ſaid yeares ſhould be expired, ended and determined, that then the intereſt and terme of yeares of the ſaid A.B. in the ſaid farme of S. and &c. ſhould ceaſe, and then and from thenceforth he willed, that the ſaid farme with, &c. as it came to the ſaid A.B. ſhould remaine to P.B. his daughter, and her heires, during the reſidue of the ſaid yeares then to come in the ſaid farme, &c. Know ye now by theſe preſents, that the ſaid A.B. for ſundry conſiderations her moving, and eſpecially for the performance of the ſaid will of the ſaid T.B. according to the meaning thereof, hath given, granted &c. and by theſe preſents doth fully, &c. unto the ſaid T.P.I.B. and R.T. all that her ſaid right, title, eſtate, intereſt, leaſe, and terme of yeares which the ſaid A.B. hath yet to come and expire of, and in the ſaid manour or farme of S. and of and in all, &c. Nevertheleſſe the ſaid T.P.I.B. and R.T. do covenant, &c. that the ſame A.B. and her aſſignes, ſhall have the occupation and uſe of all the ſaid manors, &c. and all and ſingular other the premiſſes in the ſaid ſeverall leaſes ſpecified, and ſhall and may have and take the profits and commodities of the ſame to her owne uſe, commodity and profit during the ſaid terme contained in the ſaid leaſe of the premiſſes, if the ſaid A.B. doe ſo long live. Provided alwayes, and it is further agreed, &c. that if it ſhall happen the ſaid A.B. or any husband or husbands to whom the ſaid A. ſhall fortune hereafter to be married, to alien, give, grant, or ſell her whole intereſt and terme of yeares to any perſon or perſons, of, and in the premiſſes before granted, or any parcell of the ſame: Or if it fortune the ſaid A.B. doe die before the end of the ſaid yeares contained in the ſame leaſe: that then this preſent gift and grant of the uſe and occupation of the ſaid premiſſes to the ſaid A. in form aforeſaid, given, made, or granted, to ceaſe and utterly to be void, and then it ſhall be lawfull to the ſaid T.P.I.B. and R.T. their executors and adminiſtrators, and every of them, into the

the said manors, &c. to reenter, &c. And furthermore the said T. P. J. B. and R. T. doe covenant, &c. that they the said J. T. and R. &c. their executors, &c. shall within one quarter of a yeare after the death of the said A. and at the costs, &c. grant unto the said P. B. daughter of the &c. if the said P. be then living, the said manors, &c. and other the premisses to her owne use, during so many yeares of the said terme of yeares, as shall then remaine not ended, of, and in the same manors, &c. and premisses, or in any of them, discharged of all former bargaines, &c. And furthermore, the said T. P. J. B. and R. T. doe covenant, &c. that if it fortune the said P. B. to decease in the life of the said A. B. that then the said T. J. and R. their executors, &c. shall likewise within one quarter of a yeare after the death of the said P. B. clearly convey and assure unto the said A. B. if they be thereto required by the said A. and at the costs &c. all their said right, title, &c. In witnesse, &c.

An assignement of a lease to certaine uses.

THis Indenture made &c. betweene W. T. on the one party, and F. R. and J. H. on the other party, witnesseth, that where the said W. T. is, and now standeth lawfully possessed for terme of 26. yeares yet to come, of, in, and upon the manor of T. with the appurtenances in &c. by vertue of one Indenture of lease thereof made to the said W. T. by &c. bearing date the 11. day of &c. in the &c. yeelding and paying therefore yearely &c. the yearely rent and terme of &c. as by and in the said Indenture of lease more at large appeareth: Now the said W. T. for and in consideration of a marriage to be had and solemnized betweene him and D. R. &c. hath given and granted, & by these presents doth give and grant to the said F. R. and J. H. all and singular the messuages, &c. with the appurtenances in T. aforesaid, mentioned or contained in the said Indenture of lease, and all his estate, interest, and terme of yeares yet to come by vertue of the said Lease made by the said &c. in and to the said lands, grounds, and premisses in G. aforesaid. To have and to hold the said messuage in G. aforesaid, to the said F. R. and J. H. their executors and assignes, in manner and forme following: that is to say, To the use of the said W. T. for and during the terme and space of forty yeares next and immediately insuing the date hereof, if the said W. T. so long live, and after to the use of the said D. for, and during the terme and space of other forty yeares then next following, if the the said D. shall so long live, and after to the use of the first issue male of the said W. T. begotten by him of the body of the said D. for the terme of so many yeares as then shall be to come, and shall then remaine unexpired of the said Lease made by the said, &c. if the issue male doe so long live. And if it fortune

Sect. 287.

the ſaid W. T. to have no iſſue male begotten by him of the body of the ſaid D. then to the firſt iſſue female of the ſaid W. ut ſupra, &c. during and untill ſuch time as the juſt ſum of one hundred pounds be fully had, received, and taken, of the iſſues and profits of the ſaid lands and premiſſes, for, and towards the preferment in marriage of the ſaid iſſue female, if the ſaid leaſe made to the ſaid W. T. by the ſaid &c. and the terme of yeares therein contained ſhall ſo long endure and continue. And after the ſaid hundred pounds ſo had and levied, then to the uſe of ſuch perſon and perſons as the ſaid W. T. ſhall give or bequeath the ſame unto, for, and during all the reſidue of the ſaid terme and yeares contained and expreſſed in the ſaid Indenture of leaſe made by the ſaid, &c. And the ſaid W. T. doth covenant and grant for him, &c. that he the ſaid W. T. the day of the date hereof, is, and ſtandeth lawfully poſſeſſed of the premiſſes, and every parcell thereof, in manner and forme aforeſaid: And that the ſaid premiſſes, and every parcell thereof now be, and ſo ſhall continue and remaine to the uſes and limitations afore rehearſed, according to the true effect and meaning of theſe preſents, clearely diſcharged, of, and from all former bargaines, and payments of any rents reſerved by the ſame Indenture of leaſe made by the ſaid, &c. conveiances, and all other charges and incumbrances whatſoever. And that he the ſaid W. T. hath not heretofore done, nor that he nor his aſſignes hereafter ſhall doe or ſuffer to be done, any act or thing, whereby the ſaid eſtate, uſes, and limitations, mentioned or expreſſed, by, or in this Indenture, or any of them, ſhall be made void, fruſtrate, or ſhall not take effect, or indure, according to the true effect and meaning of theſe preſents. In witneſſe, &c.

A Covenant for quiet injoying, untill money be paid.

Sect. 288. AND the ſaid G. S. doth covenant and grant, for him, his heires, executors, and adminiſtrators, to and with &c. That if it fortune the ſaid F. S. his executors or aſſignes at any time hereafter during the ſaid terme of ir. yeares to be lawfully evicted or expulſed, of and from the quiet poſſeſſion or occupation of the ſaid manor and premiſſes demiſed unto him by the ſaid former Indenture of leaſe, whereby the ſaid F. or his aſſignes, ſhall or may not quietly perceive and take the annuall or yearly ſum of xx. li. of the iſſues, rents, and profits of the ſaid manor and premiſſes, according to the true effect and meaning of the ſaid former Indenture of leaſe: That then preſently upon ſuch eviction or expulſion, the ſaid F. R. his executors and aſſignes, ſhall and may quietly and peaceably have, occupy, and injoy the ſaid capitall meſuage or tenements called the H. and all the grounds, coalemines, and hereditaments therewith demiſed

demiſed and occupied, during and untill ſuch time as ſo much of the ſaid nine ſcore pounds as then ſhall be unreceived by the ſaid F.R. his executors or aſſignes, by the ſaid G.S. his heires or aſſignes, diſcharged of all incumbrances, had, made, or done by the ſaid G.S. his heires or aſſignes. Provided, and it is ſo concluded and agreed, by and betweene the ſaid parties, that if the ſaid F.R. his executors and aſſignes doe quietly and peaceably occupy and injoy the ſaid manor of D. and other the premiſſes, demiſed by the ſaid former Indenture of leaſe, during all the ſaid terme of nine yeares, according to the purport and true meaning of the ſaid Indenture of leaſe. Or if the ſaid G.S. his executors or aſſignes, doe well and truly content and pay to the ſaid F.R. his executors or aſſignes the ſum of nine ſcore pounds, or ſo much thereof as then ſhall remaine not received by the ſaid F. his executors or aſſignes: That then preſently after the end and determination of the ſaid terme of nine yeares ſo quietly occupied by the ſaid F. his executors or aſſignes, as is aforeſaid, or immediately from and after ſuch payment had and made, as is aforeſaid, this preſent Indenture of leaſe ſhall be utterly void, fruſtrate, and of none effect, and have no further being: any thing aforeſaid to the contrary notwithſtanding. In witneſſe whereof, &c.

A Feoffment to xii. perſons in Truſt to certaine uſes.

THis Indenture &c. Witneſſeth, that the ſaid I.S. for the ſpeciall truſt and confidence that he the ſaid I.S. hath and repoſeth in the ſaid A. B. C. D. &c. and their heires and aſſignes, and for the great zeale and good will which he beareth to the poore people which now be, and which hereafter from time to time ſhall be inhabiting and dwelling within the Towne of C. in the County of D. And towards the maintenance, repairing, and making of ſuch Bridges and High-wayes, as now be, or hereafter ſhall be erected or made in the ſaid Towne of C. or within one halfe mile of the ſame. And for and towards the diſcharge, payment and contribution of fifteenes, tares, muſters, warres, and other common charges and impoſitions wherewith the ſaid Towne of C. or the Inhabitants thereof, ſhall or may be charged, and in eaſe and reliefe of the poore people of the ſaid Towne of C. for the time being, hath given, granted, and confirmed, and by theſe preſents for him and his heires, doth freely and abſolutely give, grant, and confirme unto the ſaid A. B. C. D. &c. and their heires for ever, all thoſe his meſuages, &c. To have and to hold, &c. to the ſaid A.B.C.D. &c. their heires and aſſignes for ever, to the onely uſe and behoofe of the ſaid A.B.C. D. &c. their heires and aſſignes for ever upon truſt. And to the intent that they the ſaid A.B.C.D. &c. their heires and aſſignes, ſhall with Sect. 289.

all the yearely rents, revenues, iſſues, and profits of the ſaid tenements and premiſſes, &. ſuccour and relieve the ſaid poore people, which now be, or hereafter ſhall be inhabiting within the ſaid Towne of C. and the ſaid Bridges maintaine and make, and the ſaid payments, contributions, and charges ſhall beare and ſuſtaine, in ſuch ſort and manner, as ſhall yearly from time to time for ever be agreed upon and thought meet to the chiefeſt part of the Inhabitants of the ſaid Towne of C. for the time being. And the ſaid A.B.C.D. &c. doe covenant &c. That if the ſaid A.B.C.D. &c. or any of them, ſhall at any time or times hereafter remove, goe, and depart away forth of the ſaid Town of C. to any other place to inhabit and dwell, and doe and ſhall inhabit and dwell out of the ſaid Towne of C. that then ſuch and ſo many of the ſaid twelve Coſeoffees aforenamed, which ſhall ſo depart away forth of the ſaid Towne of C. and inhabit and dwell in any other place, ſhall not after ſuch his, or their departure thence, as is aforeſaid, take, receive, or diſpoſe, any of the rents, iſſues, or profits of the ſaid tenements and premiſſes: But at all times after ſuch his or their ſo departing and going away of him, or them, as is aforeſaid, ſhall grant, convey, releaſe, and aſſure to the reſidue of the ſaid twelve perſons then living, and their heires, or to ſuch other twelve perſons which ſhall be named and choſen by the chiefeſt or more part of the ſaid Inhabitants of the ſaid Towne of C. then for the time being, to be ſubſtituted & put in place and roome of the ſaid perſon or perſons ſo departing or dying, and of the reſidue of the ſaid feoffees then remaining, or ſurviving, and their heires, all his and their eſtate, right, title, and intereſt, of and in the ſaid lands and premiſſes, diſcharged and kept harmleſſe, of, and from all bargaines, eſtates, titles, charges, troubles, and incumbrances, then had or made, or to be had or made, by him or them, or any of them, ſo dying or departing away, as aforeſaid as ſhal be deviſed or adviſed by the chiefeſt or more part of the Inhabitants of the ſaid Towne of C. aforeſaid for the time being, or by their, or any of their counſell learned in the lawes of this Realme: Except ſuch leaſes for the terme of yeares as ſhall be made according to the tenor and true meaning of theſe preſents. And it is further intended, meant, and agreed, by and betweene the ſaid parties to theſe preſents, that when and ſo often, and at whatſoever time or times whatſoever, ſix of the ſaid twelve perſons aforenamed as feoffees, as aforeſaid, or of any other perſons hereafter to be ſo named as feoffees thereof, or more of them ſhall be dead, or departed out of the ſaid Towne of C. to dwell elſewhere as is afore ſaid: That then and ſo often it ſhall and may be lawfull, to and for the chiefeſt and moſt ſubſtantiall part of the Inhabitants of the ſaid Towne of C. for the time being, to name, elect, and chuſe xii. other perſons

ſons of the Inhabitants of the ſaid Towne of C. for the time being to be feoffees in Truſt, and to ſtand ſeiſed to the uſe aforeſaid, and be ſubſtituted and put in the place and roome of the ſaid former feoffees. And in like manner and forme, election and elections of the ſaid feoffees to be made, as is aforeſaid, from time to time ſucceſſively for ever, ſo often as it ſhall be requiſite. And that after ſuch election or elections of ſuch twelve perſons to bee feoffees, as is aforeſaid, made by the ſaid Inhabitants of C. aforeſaid, ſuch and ſo many of the feoffees aforeſaid, as ſhall be then living, at the reaſonable requeſt coſts and charges of the Inhabitants of the ſaid Towne then being, or the more or the chiefeſt part of the Inhabitants of the ſaid Towne for the time being, ſhall by ſufficient deed or deede, or other conveyances or aſſurances, grant, convey, and aſſure the ſaid lands, &c. and premiſſes, to the ſaid 12. perſons ſo newly choſen, and their heires, to the uſes and intents aforeſaid, with ſuch covenants and conditions therein to be contained, as ſhall be thought requiſite to the ſaid chiefeſt part of the ſaid Inhabitants for the time being, or their learned counſell, diſcharged of all titles, charges, and incumbrances, had, or made, or to be had or made by them or any of them, other then ſuch as ſhall bee had by them with the like conſent of the ſaid Inhabitants for the time being, as is aforeſaid. Provided awayes, and it is &c. to theſe preſents in manner and forme following: that is to ſay, that it ſhall not nor may not be lawfull at any time or times hereafter, to, or for the ſaid A. B. and his ſaid cofeoffees before named, or any of them, their heires or aſſignes, or any of them, or any other perſon or perſons whatſoever hereafter to be named, elected or choſen feoffees of the ſaid lands, tenements, and premiſſes, to the uſes above written, to charge, convey, imploy, or convert the ſaid lands, tenements, hereditaments, and premiſſes, with the appurtenances, or any part thereof, or the rents, iſſues, and profits thereof, or of any part thereof, to any other uſe or uſes, intent or intents, or any other wayes, then to the uſes above in theſe preſents mentioned, without the conſent of the moſt or chiefeſt part of the Inhabitants of the ſaid towne of C. for the time being thereunto firſt had and obtained, nor to extinguiſh, releaſe, determine, fruſtrate or make void any rent or rents, condition or conditions, grant, covenant or agreement reſerved, contained, mentioned or implied, or to be reſerved, contained, mentioned, or implied, in, or by any leaſe or leaſes heretofore made of the ſaid tenements and premiſſes, or of any part thereof, nor to make any new leaſe or leaſes of the ſaid tenements and premiſſes, or of any part thereof, before ſuch time as all former leaſes of ſo much thereof ſo newly to be demiſed ſhall be expired, determined, ſurrendred or ended, nor for any longer time or terme then xxi. yeares,

from

from the making of ſuch new leaſe or leaſes, nor for any leſſer or ſmaller rents, then beene now already reſerved and yeelded for the ſame, and for and under ſuch conditions and clauſes of reentry for default of payments of any rent or rents to be reſerved, in, or by any ſuch leaſe or leaſes, and with ſuch other conditions, proviſoes, and covenants therein to be contained, as from time to time for ever ſhall be thought meet and requiſite by the ſaid more or chiefeſt part of the ſaid Inhabitants of the ſaid Town of C. for the time being. And provided alſo and upon condition, and it is the true intent and meaning of theſe preſents, and of all the parties of the ſame, and the ſaid Inhabitants of the ſaid Towne of C. doe conſent and agree, that it ſhall not at any time hereafter be lawfull to any perſon or perſons that hereafter ſhall be named, choſen and made a feoffee or feoffees of the ſaid tenements and premiſes as is aforeſaid, during ſuch time as he or they ſhall ſo remaine and be feoffee or feoffees thereof, to have, take, or occupy any part of the ſaid tenements and premiſes, by leaſe for yeares or otherwiſe, nor to any leſſee or farmer of any part of the ſaid tenements and premiſes, during ſuch time as he ſhall ſo be a leſſee or farmer thereof, to be named, choſen, or made feoffee thereof, or of any part thereof. And it is further concluded and agreed, by and betweene all the ſaid parties to theſe preſents, and every of them, with the full conſent and agreement of the ſaid Inhabitants of the ſaid Towne of C. that yearly, and every yeare for ever hereafter, two of the ſaid perſons, being, or which ſhal be feoffees of the premiſſes, as is aforeſaid, ſhall be choſen by lots, and named the common Greeves of C. to be Greeves or Collectors & Keepers of all ſuch rents, revenues and profits as ſhal come, ariſe, or grow, of, and for the ſaid tenements and premiſſes, to the uſes aforeſaid, and to doe all ſuch acts and things as ſhall be neceſſary, for, or about the ſame untill the Friday next after the feaſt of P. ad vincula, commonly called Lammas day, which ſhall be next after every time of ſuch choiſe of the ſaid Greeves as is aforeſaid. And that every year hereafter upon the Friday next after the ſaid Feaſt of P. ad vincula, commonly called Lammas day, the ſaid Greeves for the yeare then paſt for the time being in the preſence of ſo many of the inhabitants of the ſaid Towne of C. & the reſidue of the ſaid feoffees, as will vouchſafe to be then there preſent thereat in the parith Church of C. aforeſaid, ſhall make & yeeld up a juſt and true reckoning and account of all ſuch ſums of money, and other things, as they ſhall then have received, diſburſed, or done, in, for, or by reaſon of the premiſſes or any part thereof, unto the ſaid inhabitants, or the ſaid reſidue of the ſaid feoffees, not being then Greeves there, & to deliver all the arrerages and overplus of their ſaid receit unto ſuch two other perſons, as ſhall then next after them be choſen Greeves of the premiſſes, as is aforeſaid for ever. In witneſſe, &c.

Grants,

Grants, and what they be.

A Grant *Conceſſio*, ſignifieth permiſſion, ſufferance, leave, licence, yeelding or giving over of a thing, but ſpecially taken, it ſignifieth a gift in writing of ſuch things as cannot aptly paſſe by word onely without writing: As rents, reverſions, ſervices, advowſons in groſſe, common in groſſe, villeine in groſſe, tithes, &c. or made by ſuch perſons as cannot give but by deed: as the King, and all bodies politike, as Maiors and Cominalties, Deanes, Chapters, &c. which differences beene oftentimes neglected, and then it is taken generally to ſignifie every gift whatſoever made of any thing by any perſon whatſoever. And he that granteth, is termed the grantor, and he to whom the grant is made, the grantee. An inſtrument of grant, is a deed containing the deſcription of ſuch a gift or grant, as is aforeſaid. Of the examples whereof great variety inſueth. Sect. 290.

A Grant of a reverſion and common, with ſuit of Court reſerved, &c.

THis Indenture made betweene F. of &c. and T. &c. Witneſſeth, that the ſaid F. hath granted, bargained, &c. all thoſe meſuages, &c. with the appurtenances ſet, lying, and being within the Lordſhip of B. and in the pariſh of A. and S. and either of them, within the C. of Y. and now or late in the tenure or occupation of R. or his aſſignes, by force of one demiſe or leaſe not yet expired, made thereof to the ſaid R. and his aſſignes by C. R. &c. And alſo the reverſion and reverſions of all and ſingular the premiſſes, and every part and parcell thereof, together with common for all manner of beaſts of the ſaid R. &c. his heires and aſſignes, in, and upon the commons and waſte grounds, parcell of the ſaid Lordſhip and Manor, and all wayes and paſſages, to and from the premiſſes, and every part thereof, in ſuch ample and large manner, as the ſaid R. at any time heretofore have uſually had, uſed or taken the ſame, ſithence the making of the ſaid Leaſe, together with one acre of paſture with the appurtenances, lying in a cloſe of paſture called B. within the Pariſh of &c. To have and to hold &c. all the ſaid meſuages, &c. and other the premiſſes, with ſufficient common, as is aforeſaid, and all other the premiſſes before bargained and ſold, with all and ſingular their appurtenances, and the reverſion or reverſions of the ſame to the ſaid T. &c. Yeelding and paying therefore yearely unto the ſaid F. his heires and aſſignes, Lords of &c. the ſum of three ſhillings yearely at the feaſt of &c. And alſo doing ſuit to the Court of the ſaid manor at two times in the yeare, Sect. 291.

yeare, upon generall warning to be given for the holding of the said Court, by the Bayliffe or other Officer of the said F. his heires or assignes, Lords of the said manor. And if the said M. upon such reasonable warning, as aforesaid, shall faile and make default in doing suit, as is aforesaid: That then and so often the said M. shall forfeit to the said F. &c. Lords of the said manor, for every such default iiii.d. in full satisfaction for every such default. And the said M. for &c. doth covenant and grant, to &c. F. &c. that if the said yearly rent of iii.s. or the said sum of iiii.d. for not doing suit to the Court, as is aforesaid be not paid: That then and so often it shall be lawfull for the said F. his heirs and assignes, Lords of the said manor, into the aforesaid premisses, and every part and parcell thereof to enter, and there distraine, &c. as by one deed thereof made, &c. bearing date &c. plainly appeareth. That now the said F. for divers good and lawfull considerations him thereunto moving, hath bargained and sold, given and granted to the said M. his heires, &c. for ever, all the said messuages, commons, rents, suit of Court, tenements, and other the premisses, and all his reversion and reversions, of, and in the same, and every part thereof with the appurtenances: To have and to hold the said messuages, tenements, and premisses with the appurtenances to the said M. his heires and assignes for ever, to the onely use and behoofe, &c. In witnesse whereof, &c.

A Grant of the reversion of certaine lands, with other lands in possession.

Sect. 292. OMnibus ad quos &c. W. B. I. W. W. R. I. S. & I. W. salut &c. Cum M. uxor I. W. nuper uxor I. W. habeat & teneat pro termino vitæ suæ, ex dimiss. & feoffament' præd' W. B. I. W. W. R. I. S. & I. W. diversas terr' & tenement' cum suis pertinen' nup dicti I. W. viri sui, scituat & jacent in vill. de S. præd', reversione & reman' eorundem terrar' & tenementorum immediate post decessum ejusdem M. nobis & hered' nris de jure spectant': Cumque etiam nos pd' W. B. I. W. W. R. I. S. & I. W. ad presens seisiti sumus & possessionati in Dominico nostro ut de feodo, de & in diversis aliis terris, tenementis, reddit' & servic', pratis, pascuis, & pastur', cum suis pertin', scituatis & jacent' in H. in dict' com' E. q' etiam nuper fuerunt dicti I. W. viri nuper dictæ M. Et quæ omnia & singula suprad' terr', tenement', & cætera premissa in S. & H. prædictis, Nos prædicti W. B. I. W. W. R. I. S. & I. W. simul cum I. W. filio nuper pred' I. W. (qui totum jus suum nobis, heredibus nostris nuper, & assignatis nostris in perpetuum, ex dono & concessione, & chartæ confirmatione I. G. Sciatis nos prefatos W. B. I. W. W. R. S. & I. W. dimisisse, tradidisse, concessisse, liberasse, & hoc præsenti scripto nostro confirmasse præfat I. W. filio, ac M. C. filiæ nuper

ſuper I.C. quam dict' I.W. (Deo dante) ducet in uxorem, tam omnia pred' terras & tenementa cum ſuis pertinentiis, quæ habemus in villa de H. pred' & alibi, quam etiam reverſionem & reverſiones predictarum terrar', tenementor', reddit', ſervic' ad eeterorum præmiſſorum in S. prædict'. Habend' & tenend' omnia præd' terras & tenement', ac cetera præmiſſa in H. pred', una cum reverſione pred' terr', tenement', & ceterorum præmiſſorũ in S. immediate cum acciderit poſt mortem dictæ M. W. prædicto I.W. filio,& M.C. ac hered' de corporibus eorum inter eos legit' procreatis, de capitalibus &c. Et volumus, & per preſentes concedimus,quod contingat dictos I.W. filium, & M.C. ſine hered' de corpor' eorum inter eos legitime procreatis obire, quod tunc omnia præd' terr' & tenement', ac cetera premiſſa in H. pred', una cum reverſione præd' terr' & tenement' ac ceteror' premiſſor' in S. prædict' immediate cum acciderit poſt mortem dictæ M.W. integre remaneant & revertant prædict' I.W. filio dict' W.G. & W.R. nec non I.S. & T.T. heredibus & aſſignatis ſuis in perpetuum, Tenendum de capitalibus &c. In cujus rei, &c.

A grant of Turbarie.

THis Indenture &c. witneſſeth, that the ſaid A.B. hath given &c. to the ſaid M.F. and to the heires males of his body, &c. ſufficient turbary, with free liberty to dig and get turves, and liberty to draw, reare, undraw, repaire and ſtacke the ſame turves ſo digged and gotten within the manor of D. ſo often as need ſhall require, at all and every ſeaſonable and reaſonable time and times of the yeare, to be burnt, ſpent, or uſed within, or at their manſion houſe of H. in the ſaid County of L. and not elſewhere, with free entry, egreſſe and regreſſe, in, to, and from the ſaid manor, meſuage, &c. to take and carry away the ſaid turves, with carts, waines, or otherwiſe, at his and their wills and pleaſures, at like ſeaſonable and reaſonable times, &c. Sect. 293.

A Grant of Common for a hundred Sheepe.

OMnibus &c. Sciatis me &c, in conſideratione boni & laudabilis conſilii per T.F. mihi impenſi & impoſterum impendend', dediſſe, & hoc preſenti ſcripto meo confirmaſſe eidem T.F. annuatim, durante vita ipſius T.F, cuſtodiam debitam ad centum oves, tam in ovili, falda, & paſtura conveniente cum ovibus meis per totum annum cuſtodiend' & paſturand', & infra manerium meum de D. in comitatu C. quam in omnibus & ſingulis terris & tenementis meis in D. Habend' gaudend', & percipiend' eidem T.F. & aſſignatis ſuis, pro tota vita ipſius T.F. Et bene licebit eidem T.F. toties quoties ei placuerit ad intrãd in omnia pred' maneria, terras, et tenementa, ad ſupervidend' oves ſuas predictas, et eas in meliorem Sect. 294.

tem pasturam imponend' (si necesse fuerit) ac oves pred' & quamlibet parcellam earundem vendere, permutare, & ad votum suum de eis faciend', ac oves alias ad numerum centum ovium & non ultra, in ovili & pastur' pred' imponere & dimittere custodiend' & pasturand' forma predicta. In cujus rei &c.

A Grant of a Reversion to the Queene.

Sect. 295. THis Indenture made &c. Betweene R. W. of D. &c. on the one party, and our most gracious Soveraigne Lady Queene Elizabeth on the other party, Witnesseth, that the said R. W. for, and in consideration of a certaine summe of money to him payed by our said Soveraign, whereof he acknowledgeth the receit, and thereof and of every part thereof doth clearely acquite and discharge our said Soveraigne Lady her heires and successors for ever, hath given, granted, aliened, bargained, and sold, and by these presents doth give, grant, alien, bargaine and sell unto our said Soveraigne Lady the Q. Majest. her heires and successors for ever, all that close of pasture or pastures, and all lands, tenements and hereditaments whatsoever, with the appurtenances, called or knowne by the name or names of B. scituate, lying, and being in the parish and fields of H. in the C. of D. now or late in the tenure or occupation of J. B. or of his assignes, together with all the rights, members, and appurtenances of the same. To have and to hold the said tenements and premisses with the appurtenances to our said Soveraigne Lady the Q. Majesty, her heires and successors for ever, unto the only proper use and behoofe of our said Soveraigne Lady the Q. Majesty, her heires and successors for ever. Provided alwaies, and upon condition following, that if the said R. W. or his heires, or any of them, doe at any time hereafter grant by his deed, to be inrolled in the Q. Highnesse Court of Chauncery, one annuity or yearely rent of &c. of lawfull English money, unto our said Soveraigne Lady the Q. Highnesse, her heires and successors, issuing and going forth of any the lands, tenements & hereditaments of the said R. W. or of his heires, declaring his or their intent therein to be, that this said grant to the Q. Highnesse shall be void: That then this present deed, or grant, bargaine and sale of the said premisses with the appurtenances to the Q. Highnesse, her heires and successors limited and appointed, shall be utterly void, frustrate and of none effect, &c. In witnesse, &c.

A

Grant of a Remainder and a Reverſion of Lands to the Queenes Majeſty, for the preſervation thereof by deed inrolled, revocable by tender of money, &c.

TO all faithfull people to whom &c. I. C. of L. in the C. of Yorke Sect. 296.
Clothier, ſendeth greeting in our Lord God everlaſting. Whereas
the I. C. my father late of L. aforeſaid, in the ſaid C. of Yorke deceaſed,
was lawfully ſeiſed in his demeane as of fee, of, and in certaine cloſes
and parcels of land, meadow, and paſture, lying and being on the North
ſide of one water or river called L. in M. within the Parish of H. in the
County of Yorke. And the ſaid I. C. being of the lands, tenements, and
premiſſes ſo ſeiſed, did by his deed indented, bearing date &c. give, grant,
and confirme the ſaid premiſſes to E. C. his ſon and naturall brother un-
to the ſaid I. C. by the name of E. C. his yonger ſon. To have and
to hold all and ſingular the premiſſes with their appurtenances, to the
ſaid E. C. and to the heires males of his body lawfully begotten. And if
it ſhould happen the ſaid E. C. to dye without iſſue male of his body law-
fully begotten; that then all the aforeſaid lands and tenements with the
appurtenances, ſhould remaine to me the ſaid I. C. elder brother of the
ſaid E. C. and to the heires males of my body lawfully begotten. And if
it ſhould happen me the ſaid I. C. to dye without heires male of my body
lawfully begotten: then the aforeſaid lands and tenements with their
appurtenances to remaine to the heires males of him the ſaid I. C. the
giver lawfully begotten. And if it ſhould happen him the ſaid I. C. to
dye without ſuch iſſue male of his body lawfully begotten: that then all
the ſaid lands and tenements with the appurtenances ſhould remaine
to the heires of the body of the ſaid E. C. lawfully begotten. And for
default of ſuch iſſue, that then all the foreſaid lands and tenements
with the appurtenances ſhould wholly revert to the right heires of him
the ſaid I. C. the giver, wheresoever they can be found for ever, as by
the ſaid deed indented more plainly appeareth. The remainder of
which ſaid lands and tenements with the appurtenances by vertue of
the ſaid deed, together with the reverſion thereof, are eſpecially unto me
the ſaid I. C. being ſonne and heire unto the ſaid I. C. the giver, and
elder brother unto the ſaid E. C. Know ye therefore me the ſaid
I. C. for divers good cauſes and conſiderations me eſpecially moving,
have given, granted, and confirmed, and by theſe preſents doe give,
grant, and confirme to our Soveraigne Lady Elizabeth, by the Grace
of God, Queene, &c. all my reverſion and remainder of the ſaid lands,
and all my right, title, intereſt, eſtate, uſe, poſſeſſion, and demand
which I now have, or at any time hereafter ſhall have, or ought to
have

haue, of, and in the same. To haue and to hold the said reuersion and remainder whensoeuer the same shall happen, and all other my right, interest, estate, use, possession, and demand, which I now haue or any time hereafter shall or ought to haue, of, and in the premisses, unto our said Soueraigne Lady Queene Eliz. and her successors for euer, upon this condition following: that is to say, if I the said I.C. mine heires or assignes, or any of us, doe at any time hereafter, offer or render to pay unto the Barons of her Majesties Court of Exchequ. or to any one of them sitting in the open Court there, for, and to her Majesties use, or to the use of her successors, the summe of xl. s. of good and lawfull money of England: That then immediatly and at all times after such tender and offer of payment to be made of the said summe of xl. s. to her Majesties use, or to the use of her successors, as aforesaid: This present grant, and the knowledging and inrolling thereof, and every thing and things therein contained, to be utterly void, frustrate, and of none effect. And such reuersion, remainder, use, possession, and estate which I now haue in the premisses, or at any time hereafter ought to haue (if this present grant were not made) by any possibility, immediatly after such tender and offer of payment made (as aforesaid) shall be and remaine, to me and my heires for euer, and so to be adjudged and taken for euer, in such manner and forme, as though this present grant had never beene had, made, knowledged, or inrolled: This present writing, nor the knowledging or inrolment thereof or any thing therein contained to the contrary thereof in any wise notwithstanding. In witnesse whereof unto this my present writing I haue set my hand and seale. Given the xii. day of &c. in the yeare of the raigne of our said Soueraigne Lady Elizabeth by the grace of God, of England &c.

A sale of a Reuersion.

Sect. 297. OMnibus &c, I.H. salutem in domino sempiternũ. Cum C.M. vidua quæ fuit uxor I.M, juxta voluntat' ejusdem I.M. habeat & teneat sibi termin vitæ ejusdem C. ex dimissione, traditione, & chartæ indentatæ confirmatione mei dicti I.H. ac I.B. jam defunct', omnes illas terras, &c. quæ ego dictus I.H. & predictus I.B. quondam conjunctim habuimus nobis hered & assignat' nostris imperpetuum, ex dono & feoffamento dict' I.M. in villa et campis &c. et reversione omnium predictorum terrarum, tenementor', et reddit', post mortem dicti C. mihi prefat' I. H. et heredibus et assignatis meis de jure spectant', Noveritis me præf. I. H. dimisisse, tradidisse, liberasse, et hoc presenti scripto meo confirmasse N.S. de N. dict' reversionem omnium præd &c. cum omnibus suis pertinentiis, statim cum acciderit post mortem dicti C. Ita quod omnia præd terra &c.

Habend

bend' et tenend' dict' reverſionem cum omnibus et ſingulis ſuis præmiſſis
n pertinentiis poſt mortem dict' C. hæred', et aſſignat' ſuis imperpet'
capitalibus dominis etc. In cujus etc.

A grant of an Annuity.

Mnibus etc. T.G. in com̃ N. ſalutem in etc. Sciatis me p̃fat' T.G. tam Sect. 298.
pro et in conſideratione boni conſilii mihi p̣ quendam T.M. de P. in
m̃ p̃dict', gen', ante hæc impenſi, et impoſterum impendend', quam pro
erſis aliis cauſis et conſiderationibus me in hoc ſpecialiter movent', de-
, conceſſiſſe, et hoc preſenti ſcripto meo confirmaſſe p̃f. N. et aſſigna-
uis, quandam annuitat' ſive annual' reddit' etc. exeunt' et annuatim pci-
d' de manerio meo de C. in præd' com̃ N. Ac de omnibus meſuag',
tenem̃t, et hæreditament' meis quibuſcunq; cum ſuis p̣tinentiis univer-
e C. præd'. Habend', gaudend', levand', et percipiend' dict' annuitatem
annual' reddit' etc. de p̃d' maner̃ de C. præd', præf. T.N. et aſſigñ ſuis
termino vitæ natural' ejuſd' T.N. p̣ manus firmariorũ, tenentium, re-
ballivor̃, ſeu alior̃ officiarior̃, occupator̃ p̃miſſ. aut alicujus inde par-
ad feſta &c. æquis porcionibus annuatim ſolvend'. Et ſi contingat &c.
to modo petatur &c. plenarie ſolut̃ fuerit. De qua quidem annuitate
annual' reddit̃ &c. ego p̃f. T.G. poſui p̃fat' T.N. in plenam & pacificã
ſſioñ & ſeiſiñ, & p̣ ſolution' ſibi in die confect' p̃ſentiũ iiij.d. nomine
ejuſdem. Et ulter̃ ego p̃fat' T.G. volo & concedo p̣ præſentes, q̣ hoc
ns ſcript' meum, una cum acquietanc' p̃fat', T.N. ſit ſufficiens warrant'
cuſ. q̣ firmar̃, tenent', recept', ballivor̃, ſev alior' officiar', ſive occupatorum
p̃miſſ. aut alicujus inde p̣cell' ad onerand' eos, & quemlibet eor̃, de, pro, &
cerñ ſolutionem annuitat' ſive annual' reddit' &c. ac arrerag' ejuſd'.
d̃ q̣ illi præd' firmar', tenentes, recept', occupator', ballivi, ſeu Eſchaet',
ii officiarii p̃miſſor', aut alicujus inde p̣cell', ac hæred'; executor', & ad-
ſtratores ſui, qui p̃d' annuitat' ſive annual' reddit', aut arerag' ejuſd' p̃f.
aut ſuo cert' attorñ ſolvere contigerint, ſup̣ monſtrac' acquietanc' p̃d'
. proinde fiend' exonerabuntur verſus me p̃f. T.G. & hæred' & aſſigñ
, de tanto reddit' premiſſor̃, aut alicujus inde p̣cell' quant̃ ipſi p̃f. T.
t ſuo cert' attorn', de præd' annual' reddit' &c. aut de arrerag' inde ſol-
, aut ſolvere contigerint &c. In cujus rei teſtimoñ &c.

A grant of an Annuity to a Chirurgion.

Ciatis nos dediſſe, conceſſiſſe, & hoc p̃ſenti ſcript' noſtr' confirmaſſe pro Sect. 299.
obis et hæred' noſtris, dilect' et fideli ſervienti ñro D.B. Chirurgo, pro
o ſervitio, conſilio, et neceſſario auxilio ſuo nobis et omnibus filiis et
bus inter nos legit' procreat' in noſtra neceſſitate et corporis ægritu-
impenſo et impoſter' impẽdend', quandã annuitat' etc.

A Grant of part of an Annuitie.

Sect. 300. VNto all Christian people to whom this present writing shall com F.R. of &c. and D.R. of &c. widow, sendeth greeting. Where th said N.R. doth yeerely pay to the said D. during her life, an Annuity o yeerely rent of &c. for and in consideration of her Dower of the lands o I.R. her late husband deceased. And where also the said D. of her free wi and benevolence is minded to give unto W.P. her brother, one annuit or yeerely rent of v. marks, parcell of the said annuity or yeerely rent o &c. towards his preferment and maintenance of living, to bee had and re ceived at the hands of the said F.R. his heires or assignes, who is wel well contented and pleased to pay the same accordingly. Therefore know you me the said D.R. to have given and granted, and by these presents d give and grant to the said W.P. my brother, the said annuity or yeerly rent of 5. marks, parcell of the said yeerely rent of &c. to be payed yeerly by the said F.R. his heires or assignes, at the feast of S. Martin the B shop in Winter, and Pentecost, by even portions. To have and percei the said annuity or yeerely sum of &c. to the said W.P. and his assigne from &c. during the naturall life of me the said D. if the marriage betw God willing shall be had and solemnized betweene W.L. of &c. Gent man, and me the said D. shall so long indure and continue: And the sa F.R. doth grant by these presents, for him and his heires, that if it h tune the said annuity or yeerely rent of &c. or any part or parcell there to bee behind unpaid by the space of xx. dayes, next after any of the fe feasts or dayes whereat the same ought to be paid: That then it shall b lawfull, for, and to the said W.P. and his assignes, into all that his p nor of D. with the appurtenances in the said County of D. and into and singular his lands, tenements, and hereditaments in D. aforesaid, t enter and distraine, and the distresse there so taken, to lead, drive, chas and carry away, and the same to impound, detaine, and keep, untill suc time as he or they of the said annuall or yeerely rent of &c. with the ar rages thereof, if any such be, be fully satisfied, contented, and payed. In witnesse whereof as well the said F.R. as the said D. to this presen writing have put their seales, the xx. day of, &c.

A Grant of an Annuitie.

Sect. 301. OMnibus &c. Noveritis me ꝑf. I. dedisse, concessisse, & hoc ꝑsenti scr pto meo confirmasse C.T. de D. unum annual' reddit, sive annuita xl.s. exeunt de quodam tenemento sive hospicio in etc. Habend', tenend', percipiend' prædictum annual' reddit, sive annuitatem xl. s. de præd' tene mento sive hospicio cum suis pertinentiis præf. C. hæredibus et assigna suis imperpetuum, ad festum Annunciationis beatæ Mariæ virginis, et fes

Michaelis Archangeli, per æquales porciones annuatim ſolvend'. Et ſi ntingat prædict' annualem redditum ſive annuitatem xl.s. ad aliquod ſtum ſolutionis, quo ſolvi debet, in parte vel in toto aretro eſſe non ſolu-m, quod extunc bene liceat prædict' C. hæredibus et aſſignat' ſuis in di-im tenementum ſive hoſpicium intrar' et diſtringere, et diſtrictiones ibi-m inventas ſeu captas aſportar', abducere, fugare, et penes ſe retinere, ouſq; de præd' annuali redditu ſive annuitate, una cum omnibus inde eragiis, ſi quæ fuerint, ſibi plenarie fuerit ſatisfact' et ꝑſolutum: de quo idem annuali redditu ſive annuitate, poſui ꝑdict' R. in plenam poſſeſ-nem et ſeiſinam, per ſolutionem ſex denariorum, etc. In cujus rei, etc.

A Grant of a Reverſion.

OMnibus Chriſti fidelibus, ad quos præſens ſcriptum pervenerit, W. H. &c. Cum C.H. pater meus habeat et teneat pro termino vitæ ſuæ ddam tenemtum cum ſuis ꝑtinentiis in W. &c. vocatum H. reverſion' e poſt ſuum deceſſum mihi & hæredibus meis ſpectant': Noveritis me V. dediſſe, & hoc ꝑſenti ſcripto meo confirmaſſe T.B. reverſionem dicti emti cum ſuis ꝑtinentiis cum acciderit poſt deceſſum ꝑdict' R. patris , Habend' & tenend' ꝑdict' reverſionem cum ſuis pertinentiis cum acci-it, ꝑf. T.B, heredibus & aſſignatis ſuis imperpetuum, de capitalibus &c. cujus rei, &c. Dat' &c. Sect. 302.

A grant of an Annuity, with a paine for not paying the ſame.

OMnibus Chriſti fidelibus, &c. E.K. gen', conſanguineus & hæres H. R. ſalutem. Sciatis me præfat' E. dediſſe, conceſſiſſe, & hoc præ-ti ſcripto meo confirmaſſe M. B. & I. uxori ejus, ac ſuper uxori præ-H. quandam annuitatem ſive annual' redditum xxvj.s. &c. in ple-n ſatisfactionem & contentationem totius dotis ſive junctur æ ſpe-ntis dictæ I. poſt mortem prædict' H. de, ſive in omnibus terris & te-nentis prædict' vocat', &c. Habendum & percipiendum prædictam uitatem ſive annual' redditum præfat' M. B. et I. uxor ejus, pro termi-vitæ ipſorum M. et I. ac alterius eorum diutius vivent'. Et ſi contingat, *ut in aliis diſtrictionibus.* Et ulterius ſciatis me præfat' E. conceſſiſſe, et præſenti ſcripto meo confirmaſſe præfat' M. et I. uxori ejus, quod quo-ſcunque contigerit dict' annuitatem ſive annual' reddit' aretro fore non ut in parte vel in toto poſt aliquod feſtum feſtorum prædictorum quo vi debeat, per ſpacium ſex ſeptimanarum, tunc ego prædict' E. et hære-mei forisfaciemus decem ſolid' nomine pen æ præfat' M. et I. uxori ejus, os tunc bene licebit retinere quouſque tam de præd' annuitate ſive Sect. 303.

annu ali redditu xx.s. quam pro præd'x.s. nomine penæ sic forisfact', una dum arreragiis, misis, et expensis, ea occasione habit', plenarie fuerit satisfact, et solut'. In cujus rei testimonium, etc.

A Grant of a Rent charge with a nomine penæ *determinable by payment of money. And a covenant to levy a fine for the assurance thereof, and that for want of payment the grantor may enter.*

Sect. 304. THis Indenture made &c. Between G. A. on the one party, and F. R. on the other party, Witnesseth, That the said G. A. for and in consideration of the sum of &c. to him by the said F. R. well and truly contented and payed before the insealing and delivery hereof: of which said sum the said G. A. doth acknowledge himselfe fully satisfied and paid, and thereof doth acquite the said F. R. by these presents, hath given & granted, and by this Indenture doth for him and his heires cleerely give and grant unto the said F. R. and his heires, the yearly rent or sum, &c. issuing and going forth of all that capitall messuage or tenement with the appurtenances in B. aforesaid, in the said County of D. commonly called or knowne by the name of G. hall, and out of all those lands and hereditaments in B. aforesaid, knowne, reputed, or taken as part or parcell of the said tenement, or so demised or occupied, to or with the same, and issuing and going forth of all that messuage or tenement &c. And forth of all other his lands, tenements, and hereditaments in B. aforesaid, in the said county of D. To have, hold, perceive, and enjoy the said annuall rent or sum of &c. unto the said F. R. his heires and assignes, to the onely and proper use and behoofe of the said F. R. his heires and assignes for ever. payable yearely at the new mansion house of the said F. R. at S. within the county of D. at the feast of &c. by even portions. The first payment thereof to begin at the feast of &c. which shall be in the yeare of our Lord God &c.

And the said G. A. doth covenant, &c. that if it shall fortune the said annuall rent or sum, &c. or any part or parcell thereof to be arrere and unpayed by the space of xx. dayes next after any of the said Feasts or dayes whereat the same ought to be payed: That then and from thence forth it shall be lawfull for and to the said F. R. his heires and assignes into the said messuages, lands, and premisses, and every part and parcell thereof to enter and distraine, and the distresses then and there found to lead, drive, chase, and carry away, and the same to detaine and keep, untill such time and times, as he or they be fully satisfied, contented, and payed the said annuall or yearely rent of &c. with the arrerages thereof if any such bbe. And the said G. doth also covenant, &c. to and with &c. That if it shall happen the said annuall rent, &c. or any part or parcell thereof to

to bee arrere and unpaied by the ſpace of xxx. daies next after any of the ſaid feaſts or daies whereat the ſame annuall rent ought to be paied: That then and from thenceforth the ſaid G. A. his heirs and aſſigns ſhall forfeit and loſe to the ſaid F. R. his heirs and aſſignes, the ſumme of x. pounds of lawfull Engliſh money nomine penæ for every ſuch default. And the ſaid G. A. doth likewiſe covenant and grant for him, his heires and aſſignes, to and with the ſaid F. R. his heirs and aſſigns by this Indenture: That if it ſhall fortune the ſaid annuall rent or ſumme, &c. or any part or parcell thereof, or the ſaid ſummes of &c. to be forfeited nomine penæ, if any ſuch ſhall bee, or any of them to bee arrere and unpaied by the ſpace of forty daies next after any of the ſaid Feaſts, whereat the ſame annuall rent ought to be paied: Or if it ſhall fortune that no ſufficient diſtreſſe or diſtreſſes can be had or taken, in, or upō the premiſſes, according to the true intent and meaning of theſe preſent Indentures. Or if it ſhall happen any reſcous or poundbreach to be made, or any replevin or replevins to be ſued or obtained of, or for, or by reaſon of any diſtreſſe or diſtreſſes to be takē by vertue of theſe preſents, as is foreſaid: That then and from thenceforth it ſhall and may be lawfull, for, and to the ſaid F. R. his heires and aſſignes, into the ſaid Meſſuages, Lands, and Premiſſes, out of which the ſaid annuall rent is granted, to enter, and the ſame, and every part thereof to uſe, have, and enjoy to his and their owne uſe and uſes, and the rents, iſſues, and profits thereof comming and ariſing, to receive, and take, and the ſame to detaine and keepe to his and their owne uſe, without any accompt making thereof to the ſaid G. A. his Heires or Aſſignes, and to uſe and occupy the ſaid Lands and Premiſſes to his and their owne uſe, untill ſuch time as the ſaid annuall rent or ſumme of &c. and every part and parcell thereof, and the arrerages of the ſame, together with the ſaid ſumme or ſummes to bee forfeited nomine penæ (if any ſuch bee) unto the ſaid R. R his Heires and Aſſignes, fully from time to time payed by the ſaid G. A. his Heires and aſſignes, or ſome of them: Of which ſaid ſumme of &c. the ſaid G. A. hath put the ſaid F. R. in full poſſeſſion and ſeiſin, by the payment and delivery of twelve pence of lawfull Engliſh money, being parcell of the ſaid rent, unto the ſaid F. R. at the inſealing and delivery hereof. And the ſaid G. A. doth further covenant for him, his Heires &c. to and with the ſaid F. R. his Heires &c. that he the ſaid G. A. ſhall well and truly pay, or cauſe to bee payed unto the ſaid F. R. his Heires and Aſſignes yeerely, the ſaid annuall rent of forty pounds, and every part and parcell thereof, in, or upon every of the ſaid feaſt daies before mentioned, in or within twenty dayes next after every of the ſaid Feaſt daies, at, or in the ſaid now

dwelling or mansion house of the said F.R. at S. aforesaid, within the said County of D. And the said G.A. doth further covenant, for him, his Heires and Assignes, to, and with the said F.R. his Heires, Executors, and Assignes by these presents, that he the said G.A. is the day of the date hereof lawfully seised of a good and perfect estate of Inheritance in fee simple, of, and in the said Messuages, Lands, and Premisses, and every part and parcell thereof, And that the said Messuages, Lands, and Premisses, out of which the said rent of forty pounds is granted, and every part or parcell thereof, at the day of the date hereof, or at, or before the said Feast of, &c. which shall bee in the yeere of our Lord God, &c. shall bee and from thencefoorth so remaine and continue free, exonerated, and cleerely discharged, or otherwise saved harmelesse by the said G.A. or his Heires, Executors, or Assignes, of, and from all former bargaines, leases, titles, charges, and incumbrances whatsoever: One Annuitie or rent charge of, &c. by yeere, yeerely going forth of certaine of the said Lands and Premisses called G. to R. S. and his Heires, And one other Annuitie or rent charge of &c. by yeere, yeerely going forth of the said Lands and Premisses, to the said R. S. his Executors or Assignes, from the third day of October next insuing the date hereof, for, and during the terme and space of, &c. then next and immediately following, fully to be compleate and ended: And Leases for yeeres heretofore made, not exceeding the number of ten yeeres from the date hereof. whereupon the accustomed yeerely rents or more are reserved: And the title of Dower of E. now wife of the said G. and the rents and services hereafter to be due to the chiefe Lord or Lords of the fee or fees thereof onely excepted and foreprised. And the said G.A. doth further covenant, &c. that the said Lands and Premisses before mentioned, out of which the said rent is granted, are of the cleere yeerely value of xl. pounds, over and above all charges, annuities, and reprises. And the said G.A. doth also covenant, &c. that he the said G. A. shall and will before the Feast of Easter next insuing the date hereof, at the costs and charges of the said G. A. levy a fine in due forme of law to N.C. and R.C. and to the Heires of one of them, of all and singular the said Messuages, Lands, and Premisses, and of every part and parcell thereof, by the name and names of foure Messuages, &c. or by such or the like name or names in effect and meaning: by which said fine the said G.A. shall recognise the said Tenements with the appurtenances to be the right of the said N. as those which the said N. and R. have of the gift of the said G. and the same shall remise and quite claime from him the said G. and his heires, to the said N. and R. and the Heires of the said N. for ever more, And further the said G. shall by the same

fine

fine grant for him and his heires, that they ſhall warrant to the ſaid N. and R. and the heires of the ſaid N. the Tenements aforeſaid with the appurtenances, againſt all men for evermore: Which ſaid fine ſo to be levied and perfected of the ſaid Lands and Premiſſes, by the name and names aforeſaid, or by any other name or names whatſoever is meant and intended. And the ſaid parties doe accordingly conclude and agreed for them and their heires, that the ſaid fine, and all and every other fine and fines, recovery and conveyance hereafter to be had, made, or executed, by, or betweene the ſaid parties, or between the ſaid G. A. and any other perſon or perſons by the appointment or nomination of the ſaid F. R. his Heires or Aſſignes of the ſaid Lands and Premiſſes, or of any part thereof, ſhall be to the uſes, behookes, intents and purpoſes, hereafter in this Indenture mentioned and expreſſed, and to and for none other uſe, intent, or purpoſe. And it is further concluded and agreed, by and betweene the ſaid parties to this Indenture, for them and their Heires, and either of the ſaid parties doth ſeverally covenant and conclude, to and with other their Heires and Aſſigns, that the ſaid N. C. and R. C. and their Heires, and all and every other perſon or perſons, and their Heirs, that now be, or then ſhall ſtand or be ſeiſed of the ſaid Lands and Premiſſes, or of any part or parcell thereof, ſhall, from, and immediately after the ſaid fine be perfected, ſtand, and be ſeiſed of the ſaid Lands and Premiſſes, to theſe intents and purpoſes following: that is to wit, That if the ſaid annuall rent or ſumme of forty pounds, or any part or parcell thereof, or the ſaid ſumme or ſummes of ten pounds to be forfeited nomine pœnæ, or any of them, at any time or times hereafter ſhal fortune to be arrere and unpayed by the ſpace of forty daies, next after any of the ſaid Feaſts, whereat the ſaid annuall rent ought to be payed at the place before mentioned: Or if no ſufficient diſtreſſe can bee found, as aforeſaid, or any reſcuous, poundbreach, or replevin ſhall happen to be had or made, as is aforeſaid: That then and from thenceforth, and at all and every time and times, and from time to time it ſhall and may be lawfull to the ſaid F. R. his Heires and Aſſignes into the ſaid Meſſuages, Lands and Premiſſes, out of which the ſaid rent is granted, and every part and parcell thereof to enter, and the ſame and every part thereof to have and enjoy, and the rents, iſſues, and profits thereof comming and ariſing, to receive and take, and the ſame to detaine and keep to his or their owne uſe, without any accompt making thereof to the ſaid G. A. his Heires or aſſignes, and to uſe and occupy the ſaid Lands and Premiſſes, to his or their own uſe and benefit, untill ſuch time and times as the ſaid annuall rent of forty pounds, and the arrerages thereof, together with the ſaid ſumme or ſummes to bee

forfeite nomine penæ if any such be unto the said F. R. his heires or assignes, shalbe fully from time to time payed by the said G. A. his heirs or assignes, or some of them, according to the true meaning of these presents, and that after payment of the said annuall rent of xl. li. and of the said summe or summes to be forfeited nomine penæ, if any such shall bee, and of every part and parcell of the said rent and penalty, when and as often as they, or any of them shall fortune to bee behind in forme aforesaid, had and made unto the said F. R. his heires and assignes, with the arrerages thereof (if any such bee) The said fine, and all and every other assurance to be had or made of the said Lands and Premisses, or of any part thereof, by the appointment and nomination of the said F. R. shall bee deemed and taken to bee to the use and behoofe of the said G. A. his Heires and Assignes for ever, with this condition, limitation, and purpose, That it shall and may alwaies be lawfull to the said F. R. his Heires and Assignes, to enter into the said Lands and Premisses, out of which the said rent is granted for default of payment of the said annuall rent by the space of xl. daies, at all and every such time and times as the same shall be arrere, and to take and receive the issues and profits, use, and occupation of the said Lands and Premisses, untill he or they be payed the same annuall rent with the arrerages thereof, and the said summe or summes to be forfeited nomine penæ, if any be, and every part thereof from time to time according to the meaning of this Indenture. And the said G. A. doth furtherwore covenant, &c. that he the said G. A. and his heires shall and will from time to time at all times hereafter, when and as often as he or they, or any of them shall be thereunto reasonably required by the said F. R. his Heirs or Assigns within the time and space of v. yeeres next insuing the date hereof, doe, erect, make, acknowledge and make, or cause and suffer to be done, executed, acknowledged and made, all and every such further Act and Acts, thing and things of assurance, devices and assurances whatsoever, as shall be reasonably devised or advised by the said F. R. his Heires or Assigns or by his or their counsell for the further and better assurance, surety, and sure making of the said annuall rent of, &c. unto the said F. R. his Heires or Assignes, according to the effect and true meaning of these presents: At the costs and charges in the law of the said G. A. So that the said G. be not compelled to travell above xx. miles from the place where he now dwelleth for the making or doing of any such further assurances. Provided alwaies, and it is concluded and agreed by and betweene the said parties to this Indenture, for them, their heires and assigns: That if the said G. A. his &c. or any of them doe well and truly content and pay, or cause, &c. unto the said F. R. his &c. the summe of &c. in or upon the

feaſt day of &c. which ſhall be Anno Domini &c. at or in the new manſion houſe of the ſaid F. R. at S. aforeſaid, betweene the houres of, &c. That then and from thenceforth this preſent grant, and all and every clauſe and article herein contained, and all bands for further aſſurance and inſoying of the ſaid annuall rent, to be utterly void and of none effect the ſaid fine or other conveyance to be made of the premiſſes, by the appointment of the ſaid F. R. notwithſtanding. Provided alſo, that if the ſaid G. A. his &c. doe make default in payment of the ſaid ſumme of &c. upon the ſaid feaſt day of &c. which ſhall be in the ſaid yeere of our Lord God, &c. at the place aforeſaid, whereby the ſaid annuall rent of &c. by the true meaning of this Indenture, is to continue to the ſaid F. R. and his heires, yet nevertheleſſe the ſaid F. R. is contented, and accordingly doth covenant and conclude for him, &c. That if the ſaid G. A. at any time during his naturall life, and during the life of the ſaid F. R. together ſhal be minded that the ſaid yeerely rent or ſumme of, &c. ſhall ceaſe and have no further being or continuance, and thereupon the ſaid G. A. during the life of him and of the ſaid F. R. doe by his writing under his hand and ſeale, ſealed in the preſence of three or more ſubſtantiall and credible witneſſes upon either of the ſaid feaſt dates give notice or warning unto the ſaid F. R. at his now manſion houſe at S. aforeſaid: That he the ſaid G. is minded that the ſaid yeerely rent or ſumme of xl. li. ſhall ceaſe and have no further being or continuance: And alſo doe well and truly pay or cauſe to be paied unto the ſaid F. R. or his aſſignes the ſumme of c. li. of lawfull Engliſh money, at, or in the ſaid now dwelling houſe of the ſaid F. R. at S. upon the feaſt day, or day of payment next after ſuch warning or notice given, with the halfe yeeres rent that ſhal be due upon the ſame feaſt day: That then and from thenceforth after ſuch payment of the ſaid ſumme of, &c. had and made in manner and forme aboveſaid, and upon the payment of the ſaid halfe yeeres rent which ſhal be due at the end of the ſaid halfe yeere, the ſaid yeerely rent of xl. li. to ceaſe and be determined: And the ſaid clauſe of diſtreſſe, and all and every other article, thing, covenant and grant herein mentioned for giving any benefit to the ſaid F. R. his heires or aſſignes: And the ſaid bonds for further aſſurance or conveyance of the ſaid annuall rent of. &c. to bee utterly void and of none effect: any thing in theſe preſents before mentioned to the contrary, &c. And laſtly it is agreed betweene the ſaid parties for them and their heires, and either of the ſame parties doth ſeverally conclude and covenant, to and with the other party & their heires that the ſaid fine before mentioned, and all and every other fine & fines, Act and Acts, thing and things, conveyance and aſſurance hereafter to be had, made, or aſſured, by, or againſt the ſaid G. A. of the ſaid lands and

premiſſes,

premisses, or of any part thereof, shall be to the use, intent and true meaning of these presents, and upon condition and conditions herein mentioned, and to none other use, intent or purpose. In vvitnesse whereof the parties above named to these present Indentures interchangeably have put their hands and seales the day and yeere above written.

A Grant of a rent Charge.

Sect. 305. THis Indenture made betweene I.R. &c. on the one party, and R.W. of &c. on the other party, witnesseth, that where I.L. of &c. by his deed indented dated the 11. day of N. in the yeere of the raigne of &c. made betweene the said I.L. on the one party and F.R. deceased of F. one of her Maesties Serieants at the law, late father of the said I.R. on the other party for, and in consideration, &c. hath given and granted unto the said F.R. and his heires, one yeerely rent of, &c. issuing and going forth of the manors of L. and H. with the appurtenances in the Countie of D. and forth of all, &c. To have &c. the said annuall rent of &c. unto the said F.R. his heires and assignes for ever, payable yeerely at or in the house of the said F.R. in W. in the said County of D. in, or upon the feast day of &c. and in or upon the feast day of &c. by equall portions, or within ten dayes next after either of the said feast dayes, The first payment thereof to begin at the feast of &c. then next insuing the date of the said deed. And whereas the said I.L. hath by his said deed covenanted and granted for him, his Heires, Executors, and Administrators, to and with the said F.R. his Heires, &c. That if it shall fortune the said annuall rent of &c. or any part or parcell thereof to be arere and unpayed by the space of twenty dayes, next after any of the said Feasts before mentioned: That then and from thencefoorth it should and might be lawfull, to, and for the said F.R. his Heires, Executors, and Assignes, into the said Manors, Lands, and Premisses with the appurtenances, or any part or parcell thereof, to enter and distraine, and the distresse then and there found, to lead, drive, chase, and carry away, and the same to detaine and keepe, untill such time and times as he or they should be fully satisfied, contented, and payed the said annuall rent, with the arrerages thereof, if any such should bee. And whereas the said I.L. by his said deed hath likewise covenanted and granted for him, his Heires, Executors, and Administrators, to, and with the said F.R. his Heires, Executors, Administrators, and Assignes, that if it happen the said annuall rent of one hundred pounds, or any part or parcell thereof to be arreare and unpayed by the space of thirty dayes, next after the Feast dayes in the said deed mentioned: That then and from thencefoorth the

said

ſaid I.L. his Heires and Aſſignes ſhould forfeit and loſe unto the ſaid F.R. his Heires and Aſſignes the ſumme of twenty pounds of lawfull Engliſh money, nomine pœnæ, for every ſuch default, And whereas the ſaid I.L by his ſaid deed hath alſo covenanted for him, his Heires, &c. to and with F.R. his Heires and Aſſignes, that if it ſhould fortune the ſaid annuall rent of one hundred pounds, or any part or parcell thereof, or the ſaid ſumme or ſummes of, &c. forfeited nomine pœnæ, if any ſuch ſhould bee, or any of them to bee arrere and unpayed, at the place aforeſaid, by the ſpace of, &c. next after any of the ſaid Feaſt dayes in the ſaid deed mentioned: That then and from thenceforth it ſhould and might bee lawfull, to and for the ſaid F.R. his Heires and Aſſignes, without any demand making of the ſaid rent, into the ſaid Manors, Lands, and Premiſſes with the appurtenances, and into all and every part thereof to enter, and the ſame and every part thereof, to uſe, have, and enioy to him, his Heires and Aſſignes, to his and their owne uſe, untill ſuch time as the ſaid annuall rent or ſumme of ten pounds, and every part and parcell thereof, and all ſuch arrerages of the ſame annuall rent as ſhal grow due unto the ſaid F.R. his Heires and Aſſignes, during ſuch time as he, or they ſhall have the ſaid Manors and Premiſſes, or any part thereof, in his or their poſſeſſion, for want of payment of the ſaid rent, together with the ſumme or ſummes to be forfeited nomine pœnæ, if any ſuch ſhould be, unto the ſaid F.R. his heires and aſſignes, fully from time to time payed by the ſaid I.L. his heires or aſſignes, or ſome of them, of which ſaid rent of &c. the ſaid I.L. did put the ſaid F.R. in full poſſeſſion and ſeiſin by the payment and delivery of xii.d. of lawfull Engliſh money, being parcell of the ſaid rent, unto the ſaid F.R. at the inſealing and deliverie of the ſaid deed. And whereas the ſaid I.L. by his ſaid deed hath further covenanted for him, his Heires, Executors, and Adminiſtrators, with the ſaid F.R. his Heires and Aſſignes, that he the ſaid I.L. the day of the date of his ſaid deed, was lawfully ſeiſed of a good and perfect eſtate of Inheritance of fee ſimple, or fee taile, without reverſion or remainder being in the Queenes Majeſty, of, and in the ſaid Manors, Lands, and Premiſſes, out of which the ſaid rent is granted, and of every part and parcell thereof, diſcharged of all incumbrances whatſoever, one Leaſe &c. excepted and forepriſed. And whereas the ſaid &c. that the ſaid Manors, Lands, and Premiſſes, out of which the ſaid annuall rent of one hundred pounds is granted, were and ſhould continue ſubject and liable to the diſtreſſe and entry of the ſaid F.R. his Heires and Aſſignes from time to time of the cleere and accuſtomed yeerely value of Crrr. li. over and above all charges, deductions, and repriſes. And whereas, &c. that hee the ſaid I.L. at his proper coſts and charges, before the

feast of Pentecost next insuing the date of his said deed should and would leby a fine in due forme of Law unto W. L. and I. D. of all and singular the Mannors, Lands, and Premisses, in the said deed mentioned, and of every part and parcell thereof, and of all other the Lands and Hereditaments of the said I. L. within the Realme of England, by the name and names of the Mannors of P. and H. with the appurtenances, and of xxx. messuages, &c. with the appurtenances in H. L. P. H. B. T. C. alias S. H. C. B. in B. S. alias S. H. and S. alias S. by which said fine the said I. S. should recognize, &c. which said fine or any other fine to be levied by the said I. of the said Mannors, Lands, and Premisses, by the name and names aforesaid, or by any other name or names whatsoever, should be to the intent that the same W. L. &c. and the survivor of them, should stand and be judged perfect tenants or tenant of the freehold of the said Mannors, Lands, and Premisses, untill such time as a perfect recovery might be had and lawfully executed of the said Premisses against the said W. L. and I. D. or the survivor of either of them by T. F. of H. & W. S. or by either of them, and after to the use, intents and purpose in the said deed mentioned and expressed. And whereas, &c. that the said T. F. and W. S. should before the feasts of P. then next ensuing the date of the said deed, commence and prosecute at the costs and charges of the said I. one writ of Entre sur disseisin in le post, against the said W. L. and I. D. or against the Survivor of them, whereby they should demand against them, or against the one of them the said Mannors, Lands, and Premisses, and every part and parcell thereof by the name and names before mentioned, or by any other name or names whatsoever, unto which writ the said W. L. and I. D. or the Survivor of them should appear in proper person, or by his or their atturney or atturneyes lawfully and sufficiently authorised, and should vouch to warranty him the said I. L. And that he the said I. L. should appear upon the same voucher in his proper person or by his atturney or atturneyes lawfully authorised, and should vouch to warranty the common vouchee: And the same common vouchee should appeare in his own person upon the same voucher, and should imparle, and afterwards should make default, whereby a perfect judgement might be had and given for the said T. F. and W. S. against the said W. L. and I. D. for recovery of the Mannors and premisses, and likewise for the said W. L. and I. D. to recover in value against the said I. L. after the manner and course of the common recoveries in such case used, which said recoverie so to be suffered and perfected by any name or names whatsoever was meant and intended, and the said parties to the said deed accordingly concluded and agreed for them and their heires, that the same

me recovery, voucher, judgements and recovery in value, and all and
ery other matter and thing thereupon depending or following should
to the intent, use, and purposes in the said deed mentioned and expres-
d. And after the uses, intents, and purposes mentioned and expressed in
e said deed observed, and fully from time to time performed, according
the true meaning thereof, should be deemed and taken to the uses, in-
nts, and purposes mentioned and expressed in one other Indenture
aring date of the first recited deed, and sealed and delivered after the
me, made betweene the said I.L. on the one party, and H.B. of R. in
e said County of D. Gentleman, and W.W. of W. in the County of
. Gent. on the other party. And whereas by the first recited originall
edit was further concluded and agreed by and between the said parties
the said deed, for them and their heires, and either of the said parties
erally covenanted and concluded, to and with the other their heires
d assignes, that they the said recoverers and their heires, and the said
overees and their heires, and all and every other person and persons,
d his and their heires, that then were, or within one yeare then next
lowing should stand and be seised of the premisses or any part thereof,
ould, from and immediatly after the said recovery executed and perfe-
d, and from and after the said fine levied, stand and be seised of all and
gular the said manors and premisses, except in the said first originall
ed excepted, and that the same recovery touching the said premisses, ex-
pt in the said first recited originall deed excepted, should from thence
th be deemed and taken to these intents and purposes following: that
to wit, that if the said annuall rent of C.li. or any part or parcell ther-
, or the said sum or sums, of &c. to be forfeited nomine pene, or any of
em should at any time and times from thencefoorth bee arrere and un-
id by the space of xl. dayes next after any of the said feast dayes in the
d first recited originall deed mentioned, whereat the same annuall rent
ght to bee paid at the place in the said first originall deed mentioned:
at then and from thencefoorth, and at all and every time and times
hen such default of payment should be, it should and might be lawfull,
and for the said F.R. his heires, &c. unto the said manors, &c. except in
e said first originall deed excepted, to enter, and the same and every part
ereof to have and injoy to him, his heires, &c. to his and their owne use
ntill such time and times as the said annuall rent of C.li. and the arre-
ges thereof, together with the said sum or sums to be forfeited nomine
ene, should be unto the said F.R. his &c. fully from time to time paid by
e said I.F. his heires &c. or some of them, with the arrerages of the
id rent that shall grow due and payable during the time that the said F.
his heires, &c. should hold and enjoy the said lands and premisses, or any

part

part thereof in his or their possession. And after the payment of the annuall rent of &c. & the said sum or sums to be forfeite nomin' pœnæ, if any such should be, and every part of the said rent and penalty, when and as often as they or any of them should fortune to bee behind in such forme as in the first recited originall deed is said, had and made unto the said F.R. his heires or assignes, with the arrerages therof, if any such should be, the said recovery and fine should be, and the said recoverers and recoverees, and their heires, and all and every other person and persons, and his and their heires, that then were and thencefoorth should stand and be seised of the said whole manors, lands and premisses mentioned in the said first recited originall deed, should stand and be seised thereof, and of every part and parcell thereof, to such use, intents and purposes as are mentioned and expressed in the said deed mentioned to be made between the said I.L. on his party with condition, limitation and purpose, that it should and might be lawfull to the said F.R. his heires and assignes to enter into the said manors, lands, and premisses out of the which the said rent is granted, and every part thereof for default of payment of the said annuall rent of one C. li. or any part thereof by the space of forty dayes next after every of the said Feasts, wherein the same shall be arrear, and to have and to enjoy the same to him, his heires and assignes, to his and their owne use, untill he or they be payed the said annuall rent with the arrerages thereof if any such should be, and the said sum or sums &c. to bee forfeited nomine pœnæ, and every part thereof from time to time. And whereas, &c. that he the said I.L. his heires, executors, and administrators, and assignes, should well and truly pay, satisfie, and allow, or cause, &c. unto the said F.R. his heires and assignes yeerely the said annuall rent of C.li. and every part and parcell thereof, in or upon every of the said feast dayes in the said first recited lease or deed mentioned, or within ten dayes next after every of the said feast dayes, at or in the said then mansion house of the said F.R. at S.W. aforesaid, and that as well during the time that the said I. his heires or assignes, farmers or tenants shall have, occupy and enjoy the said manors, lands, and premisses, as also during the time that the said F.R. his heires or assignes should through any default of payment of the said rent of a C. li. or any part thereof enter into, have, occupy and enjoy the said Manors, Lands, Tenements, and Hereditaments, or any part or parcell thereof, that the same entry, occupation and enjoying of the said Manors, Lands or Premisses, or any part thereof by the said F. his heires or assignes, should not by any suspition make any ceasing or defalcation of the said rent or of any part thereof. And that the said I.L. should make further assurance generally with a Proviso that if the said I.L.

at

any time during his owne life, and during the life of the ſaid F.R. gether ſhould bee minded, the ſaid yeerely rent of a hundred pound ould ceaſe and haue no further being or continuance, and thereup- the ſaid I.L. during the life of him, and of the ſaid F. R. together ould by his writing under his hand and ſeale, ſealed in the preſence three or moe ſubſtantiall and credible witneſſes upon either of the id Feaſt dayes giue notice or warning unto the ſaid F. R. his heires aſſignes, at the then dwelling houſe of the ſaid F.R. at S. W. oreſaid, that hee the ſaid I.L. was minded that the ſaid annuall rent &c. ſhould ceaſe and haue no further being or continuance, and with- at the time of the ſaid notice ſo to bee giuen ſhould well and truly y or cauſe to bee payed unto the ſaid F.R. or to his Executors or Aſ- nes, the ſumme of, &c. at the then dwelling houſe of the ſaid F. R. S. W. aforeſaid, and alſo ſhould well and truly pay, or cauſe to bee yed unto the ſaid F.R. his executors or aſſignes the ſumme of &c. at in the then dwelling houſe of the ſaid F.R. at S.W. aforeſaid, upon feaſt day appointed for the payment of the ſaid halfe yeeres rent next uing after ſuch warning and notice giuen, with the ſaid halfe yeeres t which ſhould bee due upon the feaſt day, that then and from thence- th after ſuch payment of the ſaid ſumme, &c. and upon payment of ſaid ſumme, &c. had and made in manner and forme aforeſaid, and ewiſe upon payment of the ſaid rent which ſhould be due at the end of ſaid halfe yeere next after ſuch notice giuen as is aforeſaid, the ſaid rely rent or ſum of, &c. to ceaſe and be determined, and the ſaid clauſe diſtreſſe and entry, and all and every other article, thing, couenant, or nt therein contained for giuing any benefit or uſe to the ſaid F.R. his res or aſſignes, and the ſtatutes and bonds for the further aſſurance continuance of the ſaid annuall rent of, &c. to be void and of none ect, the ſaid recovery and fine, or any other thing before mentioned the contrary thereof in any wiſe notwithſtanding. And whereas t the ſaid recovery and fine aforeſaid, and all and every Act or Acts, ng and things, aſſurance or conueyance thenceforth to be had, made ſuffered, by, or againſt the ſaid I.L. or any other perſon or perſons his aſſent, nomination or pleaſure of the ſaid Manors or any part reof ſhould bee: And that all and every perſon and perſons, and his d their heires, then ſeiſed, or thenceforth to be ſeiſed of any eſtate or ates of Inheritance whatſoeuer of the ſaid Premiſſes, or of any part reof (except before excepted) to the uſes, intents, and true meaning ſet owne in, and by this firſt recited originall deed amongſt diuers other ings more at large it doth and may appeare. Now the ſaid I.R. for d in conſideration of the ſumme of, &c. hath bargained and ſold, and by

theſe

these presents doth for himselfe and his heires fully and absolutely, bar-
gaine and sell unto the said R. W. and his heires the said manors of L.
and H. with the appurtenances, and all those lands, tenements and here-
ditaments in L. B. C. H. H. E. B. P. B. S. alias S. in the said County
of D. which at the insealing and delivery of the said first originall deed
were the lands, tenements, and hereditaments of the said J. L. reputed
or taken for the Inheritance of the said J. L. and also the said annuity or
yearely rent, or summe of &c. issuing and going forth of the said manors
of L. and H. with the appurtenances, and forth of all other lands, tene-
ments and hereditaments which then were, or were reputed or taken
for the Inheritance of the said J. L. in L. B. C. H. H. E. B. P. B.
alias S. in the said County of D. or elsewhere within the Realme of
England, his grounds and inheritances called P. and all his lands and te-
nements in P. and 4. acres of pasture lying in the Parish of S. in a cer-
taine place called S. only excepted and foreprised, together with the in-
first originall deed. And all his right, title, interest, and demand, of, in
to the said manors, lands, tenements, hereditaments, annuities, rents,
sums of money, and demands whatsoever, together with the recited deed
and all deeds, writings, and estreits concerning incident or belonging to
the premisses, or made, for, or concerning the same. To have &c. the said
manors, lands, tenements, and hereditaments, annuities, rents, summes of
money, and premisses before by these presents granted, as is aforesaid, to-
gether with the said deeds, writings, estreits unto the said R. W. his
heires and assignes for ever, in as full, large, ample, and benefitall man-
ner, as the aforesaid F. R. or J. R. or any other person may, might, should
or ought to have, hold, perceive and injoy the same by reason of the said
deed and grant made by the said J. L. to the said F. R. as aforesaid. And
the said J. R. doth for himselfe &c. that he the said J. W. at the insealing of
these presents standeth, and is seised of the said recited manors, and other
the premisses (except before excepted) to the onely use of himselfe, his
heires, &c. as is before recited. And the said R. W. his heires, &c. shall
and may quietly and peaceably at all times hereafter, and from time to
time have &c. the said manors, &c. before by these presents granted, to
his and their proper use and behoofe, without the lawfull let, trouble, eui-
ction, interruption, deniall, incumbrance, charge, or other disturbance
whatsoever of the said F. R. or J. R. or their or either of their heires, all
of any other person or persons, by their or either of their heires assent,
consent, act, meanes or procurement, counsell or device. And the said J.
R. doth further, &c. that neither the said F. R. nor J. R. nor any other
person or persons, by their or either of their acts, meanes, or procure-
ment, have done, executed, knowledged or committed, or caused to be

done

one, executed, knowledged or committed, nor that the ſaid I.R. nor his eires ſhall at any time hereafter doe, execute, knowledge or commit, or uſe to be done, executed, knowledged or commited any act or acts, ing, deviſe or deviſes, whereby the ſaid R.W. his heires or aſſignes all or may be diſturbed, letted, hindred, and denied to enjoy, have and ceive quietly and peaceably, all and every of the premiſſes before by eſe preſents mentioned to bee granted unto the ſaid R.W. as afore-id. In witneſſe, &c.

Conceſſio annuitat' pro ſervitio.

OMnibus &c. Sciatis me pſ. T. G. ex certa ſcientia & mero motu meo, ac intuitu obſequii & ſervitii mihi p̄ S. R. & I. ux' ejus ſervient meos antehac impenſi, dediſſe &c. eiſdem S. & I. &c. quand' &c. ad feſta &c. æquis portionibus annuat' ſolvend'. Habend' et tenend' præd' annuitatem ſive annual' reddit' xl.s. Solvend' præf. S. et I. ux' ejus duran̄ vit' natural' ipſor̄ S. et I. et eor̄ utriuſq; diutius viven̄ in forma ſequen̄. Et ſi contingat præd' annuitat' etc. Proviſo ſemp̄ q̄ ſi præd' S. R. et I. aut eor̄ alter obire contigerit, quod tunc et deinceps ſolutio medietat' dict' annuitat' xl.s. totaliter ceſſet: Aliquo ſuperius memorat' ſive in hoc præſent' ſcript' meo ſpecificat' in contrar̄ quoviſmodo non obſtant', In cujus etc. Sect. 306.

A Grant of annuitie for term of life, pro conſilio & auxilio.

OMnibus etc. Sciat' me præf. I. dediſſe etc. T. M. pro boñ conſilio ſuo & ingenti auxilio ſuo mihi in mea neceſſitate impenſo, quand' annuit' annual' reddit' 30.s. legalis monetæ Angl'. Habend' et p̄cipiend' &c. exitibus, proficuis, firmis et emolumentis manerii mei de S. in com̄ E. ad etc. Solvend' tam per manus meas proprias quam per manus ballivor̄, ptor̄, firmarior̄ ſive tenentium maner̄ præd' pro tempore exiſten̄. Et ſi contingat, etc. Sect. 307.

A Grant of annuitie made by a parſon of a Church, to indure ſo long as he ſhall be parſon.

OMnibus etc. I. H. clericus rector eccleſiæ parochial' de L. in com̄ S. Salutem: Sciatis me præf. I. p̄ boñ conſilio dediſſe etc. eidem R. nd' annuitat' etc. habend' præd' R. quam diu ego prædict' I. rector ec-æ præd' extitero, ſolvend' annuatim etc. Et ſi contingat etc. Dat' etc. Sect. 308.

A Grant of annuitie with condition that the wife ſhall claime no dower.

Sect. 309. OMnibus &c. Sciatis Me ꝑf. H. dediſſe, &c. H. M. &c. primo die ſolutionis inde incipiend' ad tale feſtum feſtoꝝ ꝑd', ꝙ poſt mort' mei ꝑd' H. primo & prox' evenerit, Habend' & ꝓcipiend' ꝑd' annuitatem ſive annual' reddit' xx. li. ad feſta ꝑdict' in forma ꝑd'. Solvend' ꝑf. T. B. exec' & aſſignat' ſuis pro termino vitæ cujuſdam R. modo ux. mei præd' H. ad opus & uſum ipſius R. ad terminum vitæ ſuæ pro & in conſiderac' & nomine totius dotis ipſius R. habend' de omnibus illis maneriis, terris, & tenemẽtis, quæ nuper fuer' vel modo ſunt mei ꝑd' H. Et ſi contingat ꝑd' annuitat' ſive annual' reddit' xx. li. vel alicujus inde ꝓcell' retro fore poſt mortem mei ipſius H. aliquod feſtum &c. Proviſo ſemper, quod ſi ꝑd' R. ſeu aliqua alia perſona, ſive perſoñ ejus nomine, & per ejus aſſenſum, actum, vel procuration', aliquo tempore poſt mortem dicti H. aliquod jus, titul', clameũ, aut demand' nomine dotis ſuæ, de, & in ꝑdict' manerꝭ, terris, tenemẽtis, et cæteris præmiſſis, aut aliqua inde parcella habere clamaverit, ſeu demandaverit quoviſmodo, ꝙ extunc et exinde ſolutio ꝑdict' annuitat' ſive annual' reddit' ꝑd' xx. li. aut alicujus inde parcell', ceſſabit, et iſta ꝑdict' conceſſio ejuſdem deinde ceſſabit et fruſtrabit', hoc ꝑſenti ſcripto meo, ſive aliqua re ſive materia in eodem ſcript' in contrar' ſpecificata ſeu expreſſa in aliquo non obſtante. In cujus, etc.

A Grant of Annuitie made to a woman, to begin after the death of her husband upon condition.

Sect. 310. OMnibus etc. W. R. etc. Sciatis me ꝑf. W. in complement' quarundam convention', conceſſion', et agreamentoꝝ content' et ſpec' in quibuſdam indenturis, quarum dat' eſt ultimo die Maii, ann' etc. fact' inter T. P. de E. ex una parte, et me præf. W. R. ex altera part', dediſſe, conceſſiſſe, et hoc præſenti ſcripto meo indentato confirmaſſe M. uxoꝝ dicti T. quandam annuitat' etc. Habend' et percipend' ꝑd' etc. ꝑf. M. et aſſign' ſuis pro termino vitæ dictæ M. ſolvend' annuatim ad duos an' term', viz. ad feſta etc. per equales portion' in Eccleſia parochiali de S. præd'. Et ſi contingat ꝑd' annuitat' etc. Proviſo ſemper, ꝙ iſta præd' conceſſio annuitat' ſive annual' reddit' quatuor marcar' non capiat aliquem effectum, nec alicujus ſit valoris durante vita dicti T. P. ſed immediate poſt mortem ipſius T. Et quod prima inde ſolutio erit ad primum feſtum feſtoꝝ ꝑdictoꝝ proxim' accident' poſt mortem ipſius T. Proviſo etiam ſemper, quod ſi dicta M. aliquo tempore poſt mortem dicti T. aliquod jus, titul', clameum, aut demand' nomine dotis ſive junctur' ſuæ, de et in præd' terris et tenementis ſeu in aliqua inde parcell', per ſeipſam ſive aliquã aliam perſonam clamaverit aut vendicaverit

licaverit quoviſmodo, quod tunc & extunc ſolutio prædict' annuitat' ſeu annualis reddit' quatuor marcar' p̄dict' & cujuſque inde parcellæ ceſſabit, & iſta p̄dict' conceſſio ejuſd' deinceps ceſſabit & fruſtrabit': aliqua re ſive materia in hoc p̄ſent' ſcript' in contrar' ſpecificata ſeu expreſſa non obſtante. In cujus rei &c. *vel ſic*: Proviſo etiam ſemper qd' ſi p̄d' M. aliquo tempore poſt mortem dicti T. prætextu alicujus juris, tit', clamei, aut intereſſe ro, aut in nomine dotis ſeu junctur' ſuæ, placitaverit clamaverit ſive expulerit quoviſmodo p̄d' W.R. hæred' vel aſſign̄ ſuos pro, aut de p̄d' terr' & tenementis, ſeu aliqua inde parcella, & tunc & extunc illa præd' ſolut' annuitatis &c. ut ſupra. In cujus rei teſtimon̄ utrique parti hujus preſent' ſcript' indentati ſigill' meum appoſui. Dat. &c.

A Grant of Annuitie to the uſe of a woman to begin after death of the grantor:

OMnibus &c. T.P. &c. Noveritis me p̄f. T.P. dediſſe &c. I.M. & W.R. quand' annuitat' &c. Habend' &c. præf. I. & W. & aſſign̄ ſuis pro termin̄ vitæ A.K. & ad uſum ipſius A.K. pro termin̄ vitæ ſuæ, quam ego præd' T. propon̄ (divin̄ grat') habeā in uxor̄ meam: Solvend' &c. Prim̄ term̄ ſolution̄ inde incipient' ad illud feſtum feſtor̄ præd' & prius acciderit poſt mortem mei p̄d' T. & non antea. Et ſi contingat p̄d' &c. In cujus rei &c. Sect. 311.

A Grant of Annuitie for terme of life, pro conſilio impend' &c.

OMnibus &c. N.W. &c. Sciatis me p̄f. N. dediſſe, &c. pro conſilio ſuo impenſo et impoſterum impend', quand' annuitatem ſive annualem redd' 13. ſolidor̄ exeunt' de omnibus terr', ten̄, et hæred' meis in S. in com̄ etc. Habend' etc. redd' p̄f. T. ad term̄ vitæ ſuæ, ſolvend' etc. Et ſi contingat etc. Dat. etc. Sect. 312.

Nota, ſi home ne voile que ſon perſon ſoit charge de ceſt annuite, mes tant-dement ſon terre, donques doit eſte tiel clauſe eſcrie in le fine de ſon fait: Proviſo ſemper quod p̄ſens ſcriptum, nec alquid in eo ſpecificat' non aliqualit' extendat ad onerandum perſonam meam per breve annuitat', ſeu alio modo quocunque, ſed tantummodo ad onerand' terras et tenementa mea p̄d' de annuali redditu præd' etc. *Car donques le terre eſt charge, & le perſon diſcharge, &c.*

A Covenant that the leſſee may lop wood:

AND the ſaid H.S. for him, his heires, and executors, covenanteth and granteth by theſe preſents, to, and with the ſaid R.L. and his executors: That it ſhall be lawfull for the ſaid R.L. his executors and aſſignes, yearely, during the ſaid terme of xl. yeares, to crop, and top all Sect. 313.

and singular the woods and trees, growing and being in and upon the premisses, and take as well all the same lops, crops, and top, as also all the underwoods, growing and being in and upon the premisses, to the only use and behoose of the said R. L. his executors and assignes, &c.

A Covenant that the Lessor may enter and make fallowes.

Sect. 314. PRovided always, and nevertheless it is covenanted, concluded, &c. by and betweene the said parties to these presents. And the said R. J. for himselfe, &c. doth by these presents &c. to, and with the said W. W. his heires and assignes, &c. that it shall and may be lawfull, to, and for the said W. W. his heires and assignes, and every or any of them, at all and every time and times convenient within the last yeare of the said terme of xxj. yeares, to enter into, and have so much of the demised tenements and premisses, with the appurtenances as in the same yeare shall be meet to be fallowed, and to eyze, plow, and fallow the same, and every or any part thereof, according to the usage and custome of the Country then in that behalfe, without any let, interruption, or disturbance of the said R. J. his executors or assignes, or of any other person or persons by his or their, or any of their meanes, assent, or procurement.

A Covenant that the Lessee shall not assigne.

Sect. 315. PRovided always, that the said P. his executors or assignes shall not demise, set, let, give, or grant the said whole terme of yeares, yet to come, of, and in the said manor and parsonage, and all other the premisses, to any person or persons, other than to the wife, child, or children of the said P. or any other person or persons to any of their uses, except only to the said J. P. or W. P. sonne and heire apparant of the said J. if the said J. or W. will give and yeeld unto the said P. P. his executors or assignes, as much in money for the same, as any other indifferent person will doe, without any fraud, covin, or collusion. And if the said J. or W. doe refuse to give as much money for the said terme, or any part thereof, of the premisses, or any part thereof, as any other indifferent person will, without fraud, covin, or collusion, as aboveſaid, that then and from thencefoorth it shall be lawfull to the said P. his executors, &c. to give, grant, alien, or assigne the said terme, or any part thereof, to any person or persons, at his or their pleasure, any thing herein contained to the contrary notwithstanding. And also the said P. covenanteth, &c. for him, his executors, &c. to and with the said J. P. his executors and administrators, by these presents, that if the said P. doe dye unmarried, and without issue lawfull, that then it shall be lawfull to the said J. P. and to his assignes, during the life of the said J. to enter into the premisses, and every

very part thereof, and to receive, levy, and take the iſſues, revenues, nd profits of the ſame, to his onely uſe and commodity, during only the ſe of the ſaid I. paying, perfo3ming, and fulfilling all and ſingular the ovenants, grants, articles, and agreements, contained and mentioned the ſaid fo3mer Indenture, of, fo3, and during the time and times that e ſaid I. ſhall have, occupy, o3 enjoy the ſaid p3emiſſes, o3 any part o3 rcell thereof after the death of the ſaid P. unmarried, and without iſe, in manner and fo3me afo3eſaid, o3 elſe not. And if the ſaid P. happen dye unmarried and without iſſue, that the p3emiſſes, and every part ereof, during the ſaid terme, ſhall come, remaine, and be after the de- aſe of the ſaid I. to the bre3hren of the ſaid P. o3 to any o3 divers of em, o3 to any other perſon o3 perſons to his o3 their only p3oper uſes nd profits, in ſuch like manner and fo3me, as the ſaid P. ſhall devi3e o3 aſſigne by his laſt will and teſtament, without paying any thing fo3 the ſame, o3 otherwiſe to be charged o3 incumbred by any manner of meanes o3 wayes fo3 the ſame, other than is declared and mentioned in the ſaid fo3mer Indentures, except onely fo3 the due debt of the ſaid P. where- with the ſaid P. may happen to charge them in his laſt will and teſta- ment. Provided alwayes, that if it happen the ſaid yearely rent of &c. o3 any part o3 parcell thereof to be behind unpayed in part o3 in all one fo3tnight nert after the laſt day o3 time of any day of payment appoin- ted in the ſaid fo3mer Indenture, &c. And alſo if the ſaid P. his &c. doe not o3 ſhall not hereafter per3o3me, fulfill, and execute all and every of the covenants, grants, articles, and agreements contained and ſpecified in the ſaid fo3mer Indenture, which of the part of the ſaid I. and his &c. are to be obſerved, perfo3med, fulfilled and kept, o3 elſe if the ſaid P. his do not, o3 ſhall not hereafter obſerve, perfo3me, and fulfill, all and ſin- ular the aboveſaid covenants, grants, articles, and agreements, contai- ned and ſpecified above in this p3eſent Indenture, which of the part of ſaid P. o3 his executo3s, &c. are to be obſerved, perfo3med, fulfilled, d kept: that then and from thencefo3th it ſhall be lawfull fo3 the ſaid his &c. to enter into all and ſingular the p3emiſſes with the appurte- nces, and into every parcell thereof, and the ſame to retaine and have in his fo3mer eſtate: this Indenture o3 any thing therein contained to contrary notwithſtanding. Further the ſaid P. covenanteth, &c. fo3 n, his executo3s, &c. and with the ſaid I. his executo3s and admini- ato3s by theſe p3eſents, that he the ſaid P. ſhall yeeld, pay, and deliver cauſe to be delivered unto the ſaid I. and his aſſignes during the me of xx. yeares nert comming after the date hereof, vj. quarters of heat, xx. quarters of oates, good, ſweet, merchantable, and cleane dight, d vj. loads of wheaten ſtraw, and vj. loads of oaten ſtraw at the feaſt

of S.M. the Arch. next comming after the date hereof, and after the feast of S.M. the Arch. to deliver all the residue of the said corne above said monthly, by even portions during the said terme of xx. yeeres. Also the said I. covenanteth and granteth that when and as often as the price of wheat shall amount and rise above vj.s. viij.d. a quarter, which is after x.d. the bushell, and the price of oates shall arise and amount above iij.s. the quarter, which is after iij. d. the bushell: That then the said I. his executors and assignes, shall allow the said P. as much in money as shall so arise above the prices afore mamed, limited, and appointed, from yeare to yeare. And also the said P. covenanteth and granteth, that if it happen the said I. M. to decease and depart this present life unto almighty God before C.M. mother unto the said P.M. and before the said terme of xx. yeares be fully expired: that then the said P. shall yeeld, pay, and deliver yearely from thencefoorth during the said xx. yeares then to come, v. quarters of wheat, and six quarters of oates. Provided alwayes, that if the said I. and C. doe both depart from this present life before the said terme of xx. yeares be fully expired, that then and from thencefoorth the delivery of all the said Corne and Straw, in forme aforesaid, to cease, if not to be due or payable. These two articles or clauses last before mentioned, or any thing in them, or any other matter, clause, or thing, whatsoever in this Indenture contained or otherwise to the contrary notwithstanding. In witnesse &c.

A Covenant by the Lessee to depart.

Sect. 316. PRovided alwayes, and nevertheless it is covenanted, condescended, concluded, and fully agreed betweene the said parties, and the said C. D. for him, his heires, executors, and administrators, covenanteth by these presents, to and with the said A.B. his heires, executors, administrators, and assignes, that if the said A.B. his heires, executors, administrators, or assignes, or any of them doe well and truly content and pay or cause to be contented unto the said C.D. his heires, executors, administrators, or assignes, or any of them, the summe of &c. at one whole and entire payment, at, or upon the day of &c. in the Hall of Lincolns Inne in the County of Middlesex betweene the houres &c. without fraud or covin: That then and from thencefoorth and after the payment of the said summe of &c. the said bargaine and sale of the said capitall messuage with the appurtenances and all other the foresaid messuages and hereditaments with their appurtenances before bargained and sold, shall be cleerely void and of none effect: And that then and from thencefoorth the said G.D. and his heires, and all and every such person or persons, and

heir heires, ſhall be, ſtand, and be ſeiſed in the ſaid Capitall manſion, and other the premiſſes, with their appurtenances, and every part and parcell thereof, to the only uſe of the ſaid A.B. and the heires and aſſignes of the ſaid A.B. for ever, and to no other uſe. And that then the ſaid C.D. his heires or aſſignes, ſhall deliver, or cauſe to be delivered unto the ſaid A.B. or the heires or aſſignes of the ſaid A.B. all and every ſuch deed and deeds, evidences, charters, writtings, eſcripts, and muniments, concerning the premiſſes, which he ſhall have received of the delivery of the ſaid A.B. or of the heires or aſſignes of the ſaid A.B. And for default of payment of the ſaid ſumme of &c. unto the ſaid C.D. his heires or aſſignes, as is aforeſaid, made and not performed: That then and from thenceforth the ſaid bargaine, ſale, and aſſurance of the ſaid capitall manſion or dwelling houſe, and all other the premiſſes, ſhalbe good and availeable to the ſaid C.D. his heires and aſſignes, to their uſe for ever abſolutely, without any manner of condition: And that thenceforth the ſaid C.D. his heires and aſſignes, ſhall quietly occupy and enjoy all and ſingular the premiſſes, with their appurtenances, to his or their owne uſe and behoofe, without let or interruption of the ſaid A.B. his heires or aſſignes, or any other perſon or perſons, in his or their name or names, intereſt, or behalfe, or by his or their aſſent, meanes, or procurement: This Indenture, or any thing therein contained, to the contrary in any wiſe notwithſtanding. In witneſſe whereof, &c.

A Grant of a fee or chiefe rent with homage and ſervice.

SCiant &c. quod ego W.H. dedi, conceſſi, & hac præſenti chart̃ mea confirmavi R.M. totum reddit̃ meum de xxx.s. homag' & liber̃ ſervitium exeuntia de uno tenem̃to & quatuor virgatis terræ I.S. in D. cum omnibus pertin̄: Quod quidem tenem̃tum & quatuor virgatæ terræ quondam fuerunt E.S. Habend' & percipiend' p̄d dict' &c. p̄f. R.W. hæredibus & aſſignatis ſuis imperpetuum. Solvendo, faciendo, & reddendo eiſd'modo & forma ſicut prædict' I.S. & ejus anteceſſores mihi & anteceſſoribus meis facere, ſolvere, & reddere conſueverunt, Et ſi contingat p̄d' redd' xxx.s. a retro &c. extunc bene liceat p̄f. R.W. hæredibus & aſſign̄ ſuis in prædict' &c. In cujus rei, &c. Sect. 317.

A Grant of Annuitie for miniſtration of Gods ſervice.

REx omnibus ad quos præſentes literæ pervenerint, ſalutem: Sciatis quod nos intuitu charitatis, dedimus et conceſſimus dilecto ſubd̄ noſtro T.S. capellañ pro miniſtratione divini ſervic' infra eccleſiam ſanct' G. de G. infra dominium de W. ac ad orand' pro nobis & præchariſſima conſorte noſtra reg. exituq; nr̄o, quand' annuit̄ x. marcar̄ ſterl' Sect. 318.

Habend' & percipiend' annuat' durant' vita sua de feod' firm' dominii n̄i vocat' N. infra com̄ nostrum E. p manus Vic' firmarior' seu alior' occupator' ejusd' pro tempor' exist' ad festa &c. Aliquo actu, ordination seu stat' inde in contrar' fact' non obstant'. In cujus &c.

An Annuitie or yearely fee given to a servant for promotion of a marriage.

Sect. 319. CHristianis universis præsens script' inspectur' sive audituris R.M. Ar. miger, salut' in auctor' salut' & fidem indubiam præsent' adhibit'. Cum nonnullaspes matrimonii int' R. A famulum meum, & A.O. (annuent' D.o) futuri affulget, Scitote me eundem R. (ut qui commodum & utilitat' dict' famuli mei propt' obsequium mihi in famulatu suo ingenue & diligent' p̄stitum plurim̄ augere velim, quo commod' int' eos viveret') dedisse, concessisse & hoc præsent' script' meo confirmasse p̄f. R.A. & A. quandam annuitat' &c. exeunt' de manerr &c. Habend', gaudend', &c. eisdem R.A. & A. & eorum utriq; diutius viventi & assign' suis durant' vita mea p̄t. R. ad festa &c. Et si & quoties contingat &c. plenarie fuerint satisfact' & p̄solut' una cum damnis & expensis suis in ea p̄te sustinendis: Proviso semper q; si dict' nuptiæ non succesſer', nec consummat' fuerint, aut si iidem R.A. & A. p me aut mea causa aliquo modo promot' fuer' sive obtinuerint, aut promoveri sive obtinere possint, aut eor' alt' potest, aliquam annuitat' seu annualem redd', terr' tenem̄ta seu hæreditam̄ta, aut aliquam certitudinem redditus, habend' eis durante vita mea, annui valor' x. li. aut major', qd' extunc præsens script' penitus irritum erit præmissis non obstantibus, In cujus rei testimonium &c.

A grant of an Annuitie out of lands.

Sect. 320. THis Indenture made &c. betweene A.C. and J.C. &c. on the one party, and R.M. on the other party, witnesseth, that the said A.C. and J.C. as well for and in consideration of the full summe of one thousand pounds of &c. as also for divers &c. have given and granted, and by these presents doth give, and grant for him and his heires unto the said R.M. his executors &c. one annuity of one hundred pounds of &c. by yeare, by the said A.C. his heires &c. from thenceforth yearely to be payed to the said R.M. his executors, administrators or assignes, by and during the whole terme of threescore yeares fully to be complete and ended, at the usuall place of receipts and payments of money, scituate in the West end of the Royall exchange in L. at two equall payments in every yeare: That is to say, on the last day of M. fifty pounds of &c. and on the last day of No. fifty pounds of like &c. The first payment thereof to begin and be made on the last day of May next ensuing the date hereof. And so

rom thenceforth the ſame annuity to have continuance and to be
rely payed unto the ſaid R. P. his heires, executors, &c. upon the ſaid
es, at the place aforeſaid, during the ſaid whole terme of threeſcore
rs fully to be complete and ended. And the ſaid A. C. for him, &c. doth
enant, &c. That if and as often as it ſhall happen the ſaid annuity of
hundred pounds, or any part or parcell thereof, to be behind unpayed
the ſpace of eight and twenty dayes, over or after the ſaid laſt day of
or the laſt day of M. over or after either of them: That then and ſo
n as it ſhall happen during the ſaid terme aforeſaid the ſaid A. C. his
es &c. ſhall forfeit and loſe to the ſaid R. P. his &c. the ſumme of xx.
kes of &c. in the name of a paine. And then and ſo often ſhall make
and true payment to the ſaid R. P. his &c. at the place aforeſaid, as
l of the ſaid twenty markes in the name of a paine, as for that part
e ſaid annuity of one hundred pounds whereof default ſhallbe made,
s aforeſaid, within ſix moneths nert after ſuch default made, on the
day of P. or laſt day of M. as is aforeſaid. And for the conſiderations
eſaid, and for a good and certaine ſurety and aſſurance to be had and
e to the ſaid R. P. his &c. of and of the ſaid annuity of C. li. to him
them well and truly to be payed every yeare during the ſaid whole
ne of xl. yeares, according to the purport and true meaning of theſe
ents: They the ſaid A. C. and I. C. for them &c. doe covenant &c.
they the ſaid A. C. and I. C. by fine or fines to be duely knowledged
levied before the Juſtices of the Queenes Majeſties Court of com-
Pleas at W. before the tenth day of M. nert enſuing the date of
e preſents, with proclamations had and made therenpon according
e order and courſe of the lawes and ſtatutes of this Realme, ſhall
will ſufficiently and lawfully convey and aſſure to H. F. and H. H.
the heirs of one of them, all that the Manor and Lordſhip of G. with
and ſingular, &c. ſcituate, lying, being, ariſing, happening, renewing,
wing, or comming in the Towne, Parith, Fields, or Hamlets of G.
lſewhere within the ſaid County of L. to the ſaid Manor or Lor ſhip
B. belonging or in any wiſe appertaining, or occupied, uſed, demiſed,
aſed, to or with the ſame, or eſteemed, taken, reputed, accompted,
nowne as part, parcell, or member thereof, or of any part or parcell
reof. And all and ſingular other meſuages, milles, lands, tenements,
dowes, feedings, paſtures, woods, underwoods, rents, reverſions, ſer-
es, privileges, liberties, franchiſes, juriſdictions, preheminencies, and
editaments whatſoever of the ſaid A. C. and I. C. or either of them,
he Towne, Parith, Fields or Hamlets aforeſaid, or in any of them,
uch ſufficient and convenient names and qualities as ſhall be requi-
or meet: And with warranty from them and their heires againſt all

perſons

persons: Which said fine or fines so to be knowledged and levied shall be, And the said H. F. and H. H. and their heires shall thereupon stand and be seised of and in the said manor, and all other the premisses and every part thereof, to the onely use and behoofe of them the said H. F. and H. H. and their heires upon trust and confidence nevertheless, and to the end and intent that thereupon a good and perfect recovery shall and may be had of the said manor and other the premisses against them the said H. F. and H. H. by such persons and with such vouchers over, and to such uses, intents and purposes, as hereafter in and by these presents is expressed and declared. And the said A. C. and I. C. for them and their heires doe further covenant, &c. That before the xx. day of M. next coming after the date of these presents, a good and perfect recovery by writ of Entre sur disseisin in le post, according &c. as in covenants to suffer recoveries with double voucher. And it is further witnessed, declared, covenanted, condescended, concluded, and fully agreed, by and betweene the said parties to these presents: That the said recovery so to be had and suffered, as aforesaid, and all other recoveries, conveyances and assurances whatsoever after the said 10. day of M. to be had, made, levied, acknowledged, or suffered by the said A. C. and I. C. or either of them of the premisses, or of any part thereof, by any name or names whatsoever, and the full execution of them and every of them shall be, and shall be adjudged and taken to be to the uses, intents and purposes hereafter in these presents limited, appointed, expressed and declared, and to none other use, intent or purpose: That is to say, unto the use and behoofe of the said A. C. and the heires males of his body lawfully begotten: And for default of such issue, to the use of the right heires of the said A. C. The same uses & estate so to continue only untill default shalbe made of or in payment of the said annuity of one hundred pounds, before by these presents granted, or of any part thereof, at the place aforesaid, upon any the last day of M. or the last day of N. or either of them. And by the said space of six moneths next following, or of, or in payment of the said paine or penaltie of twenty markes, or any part thereof as aforesaid, contrary to the true meaning of these presents, and from and immediately after any such default in payment had and made as is last aforesaid: Then the said recoveries, and other the assurances aforesaid shall be, and shall be adjudged and taken to the onely and proper use and behoofe of the said R. M. and of his heires and assignes, for and during the whole terme of threescore yeares immediately from and after such default of payment as is aforesaid, to be fully compleat and ended, and to none other use, intent or purpose. And from and after the end, determination or surrender of the said terme of threescore yeares, then to the

nſe and behooſe of the ſaid A.C. and the heires males of his body fully begotten. And for default of ſuch iſſue, to the uſe and behooſe of right heires of the ſaid A.C. for ever, as if no ſuch default of payt had been: Any thing or matter whatſoever to the contrary there- in any wiſe notwithſtanding. And the ſaid A.C. and I. C. and ei- of them for their and either of their heires and aſſignes doe cove- t, promiſe and grant, to and with the ſaid R.P. his heires, executors ſſignes, and every of them by theſe preſents, that at the time of the recovery ſo to be had, the ſaid H.F. and H.H. or the ſurvivor of m, ſhall ſtand and be lawfully ſeiſed of the freehold and inheritance he ſaid manor and other the premiſſes: And that the ſaid manor or dſhip, and all and ſingular other the premiſſes in theſe premiſſes ntioned with the appurtenances, and every part and member there- , from and after any default of payment by the ſpace of ſix moneths, contrary to the tenor, forme and effect of theſe preſents, of, or in the ſaid annuity, or any part or parcell thereof, ſhall be and remaine unto ſaid R.P. his heires and aſſignes, for and during the ſaid terme of ty yeares free and cleere, and freely and cleerely acquited and diſchar- , or otherwiſe from time to time upon reaſonable requeſt well and fficiently ſaved and kept harmeleſſe by the ſaid A.C. his heires, &c. and from all manner of other bargaines, ſales, grants, &c. The eſe rents, &c. and all lawfull leaſes, &c. whereupon the old rents or ſhall be reſerved and ſhall be yearely payable after ſuch default de to the ſaid R.P. his heires for and during the ſaid terme of forty res only, excepted and forepriſed. And further the ſaid A.C. and I. &c. that from and after ſuch default made, the ſaid premiſſes ſhall be d ſhall remaine and continue unto the ſaid R.P. his executors and aſ- nes, for and during the ſaid terme of threeſcore yeares of the full cleere arely value of one hundred and fifty pounds of lawfull Engliſh money, er and above all charges and repriſes. And moreover that the ſaid R. his heires and aſſignes, ſhall and may from thenceforth during the d terme of threeſcore yeares peaceably and quietly have, hold, and in- all and ſingular the ſaid manor and lordſhip, and all other the premiſ- before mentioned, and every part, parcell, and member thereof, ithout any let, &c. (except before excepted.) Provided alwayes, that if e ſaid A.C. his heires and aſſignes, ſhall make any ſuch default in pay- ent as is aforeſaid, ſo that the ſaid R.P. his heires and aſſignes by aſon of the ſame default, ſhall or may from henceforth poſſeſſe, injoy, ceive and take all and ſingular the rents, revenues, iſſues and profits all and ſingular the premiſſes, with the appurtenances, according to the ue meaning and purport of theſe preſents; That then the ſaid annuity

before

before by these presents granted, shall cease and determine, And moreover the said A.C. and I.C. and either of them, &c. That they the said A.C. and I.C. their heires and assignes, and all and every person and persons having, claiming, or pretending to have, or which of right ought to have, claime or pretend to have any estate, right, title, interest, use, possession, reversion, remainder, inheritance or demand of, in or to the premisses, or any part, parcell or member thereof, shall and will at all times, and from time to time, from and after such default in payment, as is last before mentioned, during the space of five yeares then next insuing, &c. devise and devices whatsoever, be it by deed or deeds inrolled or not inrolled, fine, feoffement, recovery, release, confirmation with warranty against all men, or without warranty, for the further, more better and perfect assurance unto the said R.P. his heires and assignes for and during the said terme of 60. yeares, without any condition, as by the said R.P. his heires, &c. In witnesse, &c.

Annuity by a Bishop.

Sect. 321. OMnibus &c. G.P. Arch. D. Decanus & capit' Eccles. Cathedral' S.P. juxta D. salut' etc. Noveritis nos præfat' G. Archiep Decan et Capit. prædict' ex unanimi assensu et consensu nostris et voluntate totius Capit' dedisse, concessisse, et hoc p̄senti script' nostro confirm̄ de nobis et success. nostris W.F. unum annual' redd' etc. exeunt' et exitur' de omnibus messuag', terr', tenem̄t', redd', reverc', servic', decimis et omnibus aliis reven'et emolument' spiritual' ipsius Archiep̄ vel Archiepiscopat' sui etc. Habend' etc. de omnibus p̄d' mess. &c. p̄f. W. et ass. suis pro term̄ vitæ ipsius W. Solvend' &c. ad festa &c. Ec si contingat etc. *ut in aliis distrīctionibus.* In cujus rei testim̄ tam nos p̄f. G. Eps Arch. sigill' nostrum, q̄ nos p̄d' Decanus et capit' sigill' nostrum commune apposuimus. Dat' domo nostr' capit' etc. x. die etc.

A Grant of annuitie for the releasing of a title unto land, according to an award.

Sect. 322. OMnibus Christi etc. M.H. etc. Sciatis me p̄f. M.H. in consideracōne cujusdam sursum reddicionis et relaxationis mihi præf. M.H. et cuidam I.B. et utriq; nostrum p T.C. et I.C. et eorum utrunq; fact' de toto titulo, stat', clam̄, term̄, demand' et intresse, q̄ vel iid' T. et I.C. nuper habuerint vel alt' eor' habuit de aut in maner' F. cum pertin̄ in com̄ N. ac de et in omnibus tenem̄tis etc. ac in p̄formation et juxta effect' cujusdam arbitrii per H.S. et W.B. ac R.C. et B.C. inde nuper confect', dedisse, concessisse, et hac præsenti carta mea, præf. M.H. confirmasse præd' I.C. quandam annuitat. etc. exeunt' de prædict etc. cum eor' p̄tin̄. Habend' præf. I.C. exec' etc. Et si et quoties contingat' præd' etc. *ut in aliis distrīct'* etc.

A

A Grant of a penſion in recompence of an appropriation.

Mnibus &c. D. permiſſione divina Abbas Monaſterii beatæ M. de S.A. 323.
M. dioc' et ejuſdem conventus, Salutem in domino ſempiternam:
erſitat' vr̃æ volumus eſſe notum, quod cum venerabilis in Chriſt' p̃
iñ Reg' Dei gratia Epiſcopus L. de conſenſu capituli ſui eccleſiam pa-
dioc' & nr̃i patronat' nobis ac monaſter̃ noſtro canonice appropria-
& in propr̃ uſus conceſſerit, cum ſuis juribus & pertiñ univerſ. perpe-
empore poſſidend', conſiderans quod dictus Ep̃us temporibus ſuis
eſſ. & prædeceſſor̃ ſui ſuis tempor̃ fructus & obventiones dict̃æ ec-
de P. tempore vacationis ejuſdem eccleſ. perceperunt, & percipere
ueverunt à tempore cujus contrarium memoria hominum non exiſtit,
os jam eo ꝙ præd' eccleſia ratiõ appropriationis hm̃di amplius vacare
non poterit, nec dict' domiñ Ep̃s nec ejus ſucceſſ. futur' deinceps percipere
non poterunt nec habere, aliaq; damna non modica predict' Ep̃s & capi-
tul'co prætext̃ ſentire poterit occaſioñ appropriac'hm̃odi forſan in futur̃:
Nos abbas & convent̃ p̃d' hoc plenius attendentes habit̃ circa præmiſſ. et
contingeñ deliberac' et conſilio cum viris peritis, et in domo capitular̃
nos pleno communi conſilio et frequent̃ tractat̃ concurreñ et omni-
requiſit̃ ſolemnit̃ in hac parte (ne dict' dominus Ep̃us et capitul' præ-
dict' appropriationis damnum ſentiant in futur̃ aliqualit̃ aut jactu-
conceſſimus p̃fat' Epiſcopo et capitulo xl. s. legalis monetæ Angliæ
nomine annuæ penſionis de eccleſia de P. memor̃ in recompenſationem
norum quæ per appropriatioñ p̃d' ſentire poterint, e tempore pa-
poſſeſſionis dict' eccleſiæ de P. per nos vel ſucceſſor̃ nr̃os adeptæ ad
anni terminos, viz. ad feſta P. et M. p̃ equal' porciones Capitulo fu-
dicto, vel ejus procurator' qui pro tempore fuer' in eccleſ. Cathedrali
' ſolvend'. Ad quam quidem ſolutionem modis quibus præmittit' fi-
faciend' nos ſucceſſ. noſtros et monaſter' præd' imperpet' oblig'. Sub-
nos et ſucceſ. noſtr', ac eccleſias de L. et P. pred' per eand' obligatioñ
dict' et coherc' domini Epiſ. L. et ejus official' ac Arch' L. qui pro tem-
fuerint. Vt ſi unquam (qd' abſit) nos et ſucceſſor' noſtr' in ſolutioñ dict'
niæ loco et termiñ ſtatutis defecerimus ſeu defecerint in hac p̃te poſ-
et quilibet eorum poterit per ſe imperpet' compellere nos in eccleſiis
, et P. antedictis per ſententiam interdict' ſuſpenſioñ et excommuni-
onis, ac per eorund' fructuũ ſequeſtrationem necnon p̃ alium modum
ncunq; put melius et facilius præf. Epiſc' et Capit' videbitur expedire,
uſq; eiſd' Epiſc' et Capitulo de dict' pecuniæ ſumma, loco quo præ-
it', plenar' fuerit ſatisfact' præter expenſ. quas obinde fecerint et præter
reſſe ſuum, pro quibus eiſd' ſimilit' tenemur integre ſatisfacere nulla

omnino

omnino remissione petenda renunc' imperpetuum pro nobis, succes. nr. ac eccleſiis de P. et L. ſupradict' tam eccleſiaſtic' quam regular' et cuj. cunq; poteſtatis ſecular' exhibitiõ impeditiõ privileg' recuſac' ſuppl. cac' in integrum reſtitutiõ excuſation' cancellac' dilec' et expec' per. vel ſucceſſor' noſtros impetrat' ſeu impoſterum impetrand' omniſque ju. & fact' remed' quod nos & ſucceſſor' noſtros, ac eccleſias de L. & P. ſupr. dict' contra præd' ſolutiõ & obligac' ſive in principal' ſive in accesſ. emergent' queſtion' qualicũq; & undecunque mueri poterit quoviſmodo. qd' preſens obligatio tunc ſtabit ſuo robore et effectu. In quorum omn. robur et teſtim ſigilla noſtra preſentibus ſunt appenſa. Dat' apud M. domo noſtra capitular' x. die M. etc.

A Grant of a Corrodie.

Sect. 324. OMnibus etc. N. Abbas Monaſter. beatæ Mariæ Ebor' et ejuſdem l. Convent' ſalutem etc. Nos unanimi conſenſu et aſſenſu nro concel. ſe, et hoc preſenti ſcripto nro indent' confirmaſſe W. S. quoddam Corrod. ad totam vitam ſuam, percipiendo de nobis et ſucceſ. nris in domo noſt. quolibet die quatuor panes melior' paſtus, ſciz. de pane convent': Et tr. panes mediocris paſtus, ſciz. de pañ liber' ſervientium, duas lagenas cer. ſiæ, unam de cerviſia conventuali, et aliam de cerviſia liber' ſervientiu. quod fercula carnea vel piſcea ſecund' qd' dies expoſtulaverit: Et quol. bet anno unam robam pro ſe de ſecta armig' noſtror' pro hyeme, et alia. pro æſtate, et aliam robam pro famula ſua de ſecta liber' ſervientium n. ſtror' in hyeme, et unam togam pro æſtate ſuæ ſtaturæ competent': Ac tr. caractat' ligni focalis, et duas caractat' fœni pro equo ſuo, et unam caract. ſtraminis pro lecto ſuo ad oſtium domus manſionis ſuæ. Et ſi intra dict. Abbathiam noſtram morari voluerit, tunc volumus qd' illa domus q. vocat' Siphons, cum ſalario ſuper ædificat' et gardino eis aſſignat' ſic. appropriat' etc.

A Grant of Safe conduct of yeeres reſpiting Debets.

Sect. 325. TO all true Chriſtian people, to whom theſe preſent Letters ſh. come, A. B. of D. and C. F. Citizens of L. ſend greeting in o. Lord God everlaſting. Whereas G. H. in divers ſummes of money t. us ſeverally is indebted, which ſummes of money the ſaid G. H. is n. ne by likelihood ſhall be of ability to pay and content, unleſſe we gra. grant unto him our favour and reſpite in payment of the ſame. There. fore know yee, that we the ſaid creditors above named, and every. of us moved with pity in conſideration of the premiſſes, and of the g. to

and deſire which the ſaid G. H. hath to the contentation of the ſaid
es, have given and granted, and by theſe preſents give and grant un-
e ſame G. H. or by whatſoever name or addition that he be named
lled, and ſo to all them which for the ſaid G. H. to us, or to any of us
den or ſtandeth bound or charged, our ſure, free, and whole licence, li-
y and ſafe conduct, as much as in us is: So alwayes that the ſaid G.
nd all they which for him, or with him to us ſtand bounden or char-
or other that be ſervants, factors and aſſignes of the ſaid G. H. with
heir goods, cattels, merchandizes, debts, duties, and other things, in
anner of places, freely, quietly, well, and peaceably at their liberty,
and ſhall by day and night, goe, come, abide, ſoiorne and dwell, paſſe
repaſſe, in, to, or from any City, Towne, Village, or other place
laces within this Realme of England, or without. And all the
s, wares, merchandizes, and all other things as beene above rehear-
o diſpoſe, as it ſhall like and pleaſe the ſame G. and all thoſe per-
persons that with, or for him to us, or any of us ſtand bound and
ged, at all times and ſeaſons from the day of the making hereof,
the end and terme of five yeares next and immediately inſuing af-
s day and dayes of payment ſpecified in the ſpecialtie or ſpecial-
wherein the ſaid G. or any other perſons for the ſame G. in any
ſtandeth bound and charged unto us. And that we or any of us
in no wiſe purſue, arreſt, attach, hurt, withhold, let, or grieve: nor
other perſon or perſons for us, or any of us, or in the name of us,
y of us, by the authority, aſſent, will and agreement of us, or
f us, the ſaid G. or thoſe perſon or perſons, or any of them, which
he ſame G. to us, or any of us, in any wiſe ſtandeth bound or
ged by their bodies as fugitives, nor otherwiſe, nor by their
s, cattles, merchandizes, or any other things of theirs, or any of
n for payment to be made to us, or any of us, of our ſaid duties,
any part or parcell of them, or for to find to us, or any of us, any
r or better ſurety or ſureties for contentation and payment of the
e our duties, other than we or every each of us now have and hath
he ſame payment of our ſaid duties, or any otherwiſe during the
ne aforeſaid, by reaſon or occaſion of any deed, accompt, receit, treſ-
e, buying, ſelling, contract, or any other thing, matter, cauſe, or
and whatſoever it be, before the date of theſe preſents, betweene
or any of us, and the ſaid G. and thoſe perſons, which with or for
ſame G. to us, or any of us ſtand bounden, charged, or chargeable, had,
e, moving, or depending. And if it happen within the ſaid terme,
money or goods to be attached or arreſted in the name of us, or any
s, or by any other perſon or perſons in the hands of the ſaid G. or

of

of them, or any of them, which for him to us, or any of us standeth bound, or bee charged, or chargeable by force of any bill or bills, plaint or plaints, against them, or any of them to be levied or attached: that then we, he, or they of us, in the name of whom any such bill or bills, plaint or plaints, shall be made or affirmed, shall put in surety for the said bill or bills, plaint or plaints, and so utterly dissolve and discharge the same attachment and attachments, when, and as soone as we, they, or he of us, in the name of whom the said attachment or attachments, shall be made or affirmed, shall thereto duely be required by the said G. or by them, or any of them, which for him to us, or any of us stand bound or charged, and every of them, thereof we and every of us shall cleerely discharge, as often as any such occasion or cause shall happen to fall, during the time aforesaid. And moreover we all the creditors above specified will and grant, and every of us for his owne part willeth and granteth to the said G. by these presents, that if it happen the said G. or them or any of them, which for him to us, or any of us stand bound or charged in their owne persons, or in the person of them, or any of them, or in, or by the goods, chattels, or marchandizes of them, or of any of them, at any time within the terme aforesaid, by us, or any of us, or any other person or persons, by the commandement, will, procuring, authority, consent, or knowledge of us, or of any of us, against the tenor, forme, and effect of these our present letters of Safe conduct, in any wise to be arrested, sued, impleaded, hurt, grieved, attempted, vexed, or hindered, and thereof after the forme abovesaid, be not delivered, nor defended: That then the said G. and those which for him to us, or any of us stand bound or charged, and their heires and executors by these presents, shall be for evermore quite and discharged against him, or them, of us by whom the said G. and those persons which for him to us, or any of us stand bound or charged, or any of them, shall so against the forme, tenor and effect of these our present letters of safe conduct be attempted, vexed, or hindered, and thereof not released, dissolved, nor defended according to the forme abovesaid, of all manner actions, suits, quarrels, challenges, recognisances, executions, and demands whatsoever they be, from the beginning of the world unto the day of such attempting, vexation, grief, or hindering. In witnesse, &c.

A Grant of libertie to doe acts in ground.

Sect. 326. THis Indenture, &c. betweene R. H. and R. G. witnesseth, that where the said R. H. hath bargained and sold to the said R. G. and his heires for ever, two tenements, &c. Now the same R. for divers good

considerations

conſiderations him now moving, hath given, granted, and confirmed, and by theſe preſents for him and his heires doth give, grant, and confirme unto the ſaid R.G. his heires and aſſignes for ever, free liberty of ingreſſe, egreſſe, and regreſſe, for them, their heires and aſſignes, and for their ſervants, at all times neceſſary and convenient, to enter into the ground and garden plot, now in the tenure, poſſeſſion, and occupation of the ſaid R.H. to repaire and amend the part of the ſaid two tenements nert adjoyning unto the ſaid garden plot, either with timber worke, ſtone worke, reeding, thatching, daubing, or otherwiſe. And further the ſaid R.H. for him, &c. covenanteth, &c. quietly to permit and ſuffer the ſaid R.G. his heires, executors, and aſſignes, and all and every of them together with his or their workmen, at all times convenient and needfull, to have free ingreſſe and regreſſe, in, and to the ſaid garden, for the carrying and recarriage of all ſuch timber, ſtuffe, ſtone, morter, clay, reed, or thatch, which ſhall be needfull at any time whenſoever, for the reparations aforeſaid, without the let, denial, or interruption of any perſon or perſons by his aſſent, conſent, procurement, privity, or commandement. And further the ſaid R.H. for him, his heires, and executors, covenanteth, and free liberty giveth and granteth unto the ſaid R.G. his heires, executors, and aſſignes, that he the ſaid R.G. his heires, executors, and aſſignes, ſhall and may, and that it ſhal be lawfull to and for the ſaid R.G. his heires, executors, and aſſignes, to ſet up, and reare any ladder or ladders, ſtage, poles, and ſtages within the ſaid garden at all times needfull and convenient, for the repairing of the part of the ſaid two tenements adjoyning nert the ſaid garden plot. And the ſaid R.G. for him &c. covenanteth &c. that he the ſaid R.G. his heires or aſſignes, without fraud or covin, ſhall within two dayes nert inſuing the end of any ſuch worke or reparations made and done, in, and upon the ſaid tenements, make cleane the ſaid garden plot ſo annoyed at any time by him or his workmen in the time of his ſaid reparations, and the ſoile thereof to carry away, or cauſe to be carried away, out and from the ſaid garden plot, at the only coſts and charges of the foreſaid R.G. his heires executors and aſſignes. In witneſſe whereof &c.

A Grant of a Wardſhip by the Queene.

REgina omnibus ad quos &c. ſalutem. Sciatis quod nos de gratia nra ſpeciali, ac ex certa ſcientia & mero motu noſtris, dedimus & conceſſimus, ac per præſentes quantum in nobis eſt damus & concedimus dilecto & fideli ſubdito noſtro T.F. generoſo, cuſtodiam omnium & ſingulorum maneriorum, terrarum, & tenementorum, reddit', reverc', ſervic', vil. Sect. 327.

francipleg', libertatum, advocatiõ, patronat' Eccleſiæ capit' Cantuarien', priorat', feod' milit' & omnium aliorum hereditamentor' quorumcunq; cum omnibus ſuis ptiñ in A. & alibi infra terram noſtram Hiberñ, quæ nuper fuerunt R.B. de D. defuncti, aut alicujus alterius ſive aliquorum alior' ad ejus uſum ſeiſiti vel ſeiſitorum, & quæ per finem poſt mortem ipſius R.B ratione minoritatis E.B. filii & hæredis maſcul' de corpor' p̃dicti R.B. exeunt', vel ratione cujuſdam actus parliamenti, vel aliquo alio modo quocunq; ſive ratione minoritatis dict' E. ad manus noſtr' deveneř ſive devenir' debuerunt, ac in manibus noſtris jam exiſtunt, aut exiſtere debent, quovismodo infuturum ad manus nr̃as devenient, aut devenire debent per finem E.R. uxoris dicti R. ratione minoritatis dicti E. necnon cuſtodiam & maritagium dict' E. abſque diſparagac'. Habendum & tenendum cuſtodiam omnium & ſingulorum maneriorum, terrarum, tenementorum, & cæterorum præmiſſorum, una cum maritagio ejuſdem E. eidem T.E. executoribus & adminiſtratoribus ſuis durante minoritate dicti E. & quouſque idem E. ad ſuam plenam & legitimam ætatem pervenerit, & in manibus ſuis forte contigerit, & quouſque legalis liberatio prædictorum maneriorum, terrarum, tenementorum, & cæterorum præmiſſorum facta fuerit, ſecundum curſum conſilii terræ noſtr' Hiberniæ. Reddend' inde nobis, hæredibus & ſucceſſoribus noſtris annuatim ad Scaccarium noſtrum Hiberniæ prædict' ad feſtum Sancti Iohannis Baptiſtæ decem libr' legalis monetæ terr' noſtr' p̃dict'. Et ſi contingat p̃dict' E. obire antequam ad ſuam plenam & legitimam ætatem pervenerit, & antequam idem T. F. executores vel aſſignati ſui effectum maritagii ſui accepit vel acceperunt hærede ſuo, vel hæredibus ſuis infra ætatem, exiſtente vel exiſtentibus, tunc de uberiori noſtra gratia damus & concedimus p̃f. T.F. executoribus vel aſſignatis ſuis cuſtodiam omnium terrarum, tenementorum & cæterorum præmiſſorum, cum omnibus ſuis pertinentiis (ut p̃dictum eſt) accuſtodiam & maritagium hæredis vel hæredum infra ætatem exiſtentis vel exiſtentium, durante minoritate hujuſmodi hæred', & ſic de heredibus in hæredes, quouſque alius aut hujuſmodi heres ad plenam & legitimam ætatem pervenerit, ac quouſque idem T. executores ſeu aſſignat' ſui effectum maritagii unius eorum accepit vel acceperunt, abſque aliquo alio computo, ſeu aliquo alio reddit' nobis, hæredibus, vel ſucceſſoribus noſtris reddendo, ſolvendo, aut faciendo. Inſuper ex abundanti gratia noſtra damus & concedimus eidem T.E. cuſtodiam omnium maneriorum, terrarum, tenementorum, & cæterorum hæreditamentorum quorumcunque quæ ad manus noſtras devenerunt, ſeu devenire debent ratione cuſtodiæ terrarum & tenementorum prædict', ac ceterorum præmiſſorum, vel ratione minoritatis p̃d. E. Eo quod expreſſa mentio &c.

A Grant of a ward by the Queene.

REgina &c. Sciatis quod nos degratia noſtra ſpeciali, ac ex certa ſcien- Sect. 328.
tia et mero motu noſtris, dedimus et conceſſimus, ac per præſentes
damus et concedimus dilecto ſervienti noſtro A. B. uni gromer̃ cameræ
noſtr̃, wardum et maritagium R. R. filii et hæredis A. R. viduæ defunctæ:
Nec non cuſtodiam et gubernationem tam corporis prædicti R. quam om-
nium terrarum et tenementorum, prat̃, paſcuorum, et paſtur̃ ſuorum quo-
rumcunque, jacentium et exiſtentium in parochia de P. in comitatu noſtro
S. una cum redditu et proficuo eorundem, modo in dono et diſpoſitione
noſtris exiſtent̃, ratione minoris ætatis p̄d̄ R. Habend̄ et tenend̄ wardum
et maritagium p̄dict' R. &c. ac cætera præmiſſa cum omnibus et ſingulis
ſuis ptinen̄ p̄fat̃ ſervienti noſtro et aſſignatis ſuis, durante minore ætate
p̄dict' R. de dono noſtro, abſque computo ſive aliquo alio nobis vel hæ-
red̄ nr̃is pro p̄miſſis reddenda, ſolvendo, vel faciendo. Eo quod expreſſa
mentio &c. In cujus rei &c.

A Grant of the marriage of an Heire apparant.

THis Indenture made &c. Betweene T. S. and W. Y. Witneſſeth, Sect. 329.
that it is covenanted, granted, bargained, and agreed betweene the
ſaid parties, in manner and forme following: that is to ſay, The ſaid
T. hath bargained and ſold, and by theſe preſents bargaineth and ſel-
leth to the ſaid W. the marriage of G. ſonne and heire apparant of the
ſaid T. And if the ſaid G. dye before he be married by the aſſent of the
ſaid W. or his aſſignes, then the ſaid W. ſhall have the marriages of R.
and A. daughters of the ſaid T. or the ſame marriage of the ſaid G. or
the marriage of the ſaid daughters, and of either of them to be had and
ſolemnized, at ſuch time or times and place, and with ſuch perſons, as the
ſaid W. or his Aſſignes ſhall limit and aſſigne without diſparagement.
And the ſaid W. his Executors or Aſſignes ſhall have the guiding
and keeping of the heire apparant or heire indeed of the ſaid T. from
the date of theſe preſents, or as ſoone after as the ſame heire may con-
veniently be delivered to the ſame W. or his Aſſignes, be it male, or
female or females, till the ſame heire if it be male ſhall come to the age
of one and twenty yeares, and if it be female or females, till they come
to the age of ſixteen yeares. And by all the ſame time the ſame W.
and his Aſſignes ſhall finde and cauſe to be found to the ſaid Heire or
heires, meat, drinke, and cloth convenient for his or their degree: And
alſo ſhall finde them to ſchoole and learning convenient for their ages,

after the discretion of the said W. or his assignes, at the costs and charges of the said W. or his assignes. And the said T. shall cause such a sufficient, sure, and lawfull estate, &c. to the uses and intent following. And in like manner the said A. C. and D. C. E. and F. and their heires, after the said surety of the said Manors, Lands, and Tenements with their appurtenances to them made shall stand seised, of, and in the same Manors, Lands, and Tenements with their appurtenances, to the uses and intents following: that is to say, of the said Manor of T and of all the said Lands, and Tenements in &c. to the use of the said W. M. and his assignes, from the feast of &c. last past before the date of these presents, till the said G. come to the full age of 21. yeares, and after the said G. be of that age, then to the use of the said G. and of her that shall happen to be his wife, married by the assignement of the said W. or his assignes, and of the heires of the same G. And of the said manor of H. and of all the lands and tenements in E. which the same T. promiseth to be of the yearely value of &c. over all charges, and of the Manor of P. and of all the Lands and Tenements in P. to the use of the said T. S. till the said G. come to the age of 18. yeares, then they to stand seised of the said Manors of H. and P. and of all the said Lands and Tenements with their appurtenances in H. E. and P. to the use of the same W. M. and his assignes, till the said G. come to the age of one and twenty yeares, and after he come to that age, then to the use of the said G. and his heirs for ever: The said W. M. during his interest, and the said G. and his wife during their interests, yeelding for the said Manor of P. to the said T. as long as he liveth yearely foure pounds at the feasts of &c. And if the said T. S. decease (as God forbid) before the said G. come to the age of eighteene yeares, then they to stand seised of the said Manors of H. and P. and of all the Lands and Tenements in H. P. and E. immediately from the death of the said T. S. to the use of the said W. M. and his assignes, till the said G. come to the age of 21. yeares, and after that age, then to the use of the said G. and of her that shall happen to be his wife, married at the assignement of the said W. or his assignes, and of the heires of the same G. for ever: And of the said Manors of R. F. and S. and of all the said Lands and Tenements in R. F. and S. which Dame A. late wife of the said R. and mother of the said T. S. now holdeth for the terme of her life as her joynture, to the use of the same A. for terme of her life, and after her decease to the use of the said T. S. during his life without impeachment of waste: after his decease to the use of the said W. till the said G. come to the age of one and twenty yeares, and after that the said G. shall come to the age of one and twenty yeares, then to the use of the same G. and of his heires for ever: And of the said Ma-

nor

nor of E. and of all the residue of the said Manors, Lands, and Tenements with their appurtenances, to the use of the said T. S. for terme of his life, without impeachment of waste, and after his decease to the use of the said W. P. till the said G. come to the said age of 21. yeares, and after the same G. come to the age of one and twenty yeares, then to the use of the said G. and of his heires for ever. And if it happen the said G. to decease before he come to the age of 21. yeares, then the said W. P. and his assignes shall have all the said Manors, Lands, and Tenements with the appurtenances, which he should have had till the said G. had beene of the age of 21. yeares, if the same G. so long had lived, unto the time the said B. and A. and either of them come to the age of 16. yeares. And if the said G. decease or be married by the consent and assent of the said W. G. or his assignes, or if the said G. be married by any of their assents, and the same G. decease before carnall copulation betweene him and his wife: Then the said W. shall have the marriages of the said B. and A. and of either of them being heire apparant or heire indeed to the said T. S. and the said feoffees shall then stand seised of all the said Manors, Lands, and Tenements, to the uses and intents following: that is to say, The said Manors of T. and P. and of all the said Lands and Tenements in T. and P. to the uses of W. till the said daughters and either of them be of the age of sixteene yeares, and they shall stand seised of the said Manors of H. and of all the said Lands and Tenements in H. to the use of T. S. till the said B. and A. his daughters, and either of them shall come to the age of sixteene yeares: And after that either of them be of that age of sixteene yeares, then the said feoffees shall stand seised of the said Manors of T. P. and H. and all the said Lands and Tenements in T. P. and H. to the use of the heires of the said B. and A. of their bodies begotten, and for lacke of such issue, then after the decease of their husbands, to the use of the said T. S. and his heires for ever: And they shall stand seised of the said Manor of F. B. and S. and of all the said Lands and Tenements in F. B. and S. to the use of the said Dame A. for terme of her life, and after her decease to the use of the said T. S. for terme of his life, without impeachment of waste, and after his decease, to the use of the said W. P. till the same B. and A. shall come to the age of sixteene yeares, and then to them, and to the heires of their bodies begotten, and for lacke of such heires, to the use of the right heires of the said T. S. for ever. And of all the residue of the said Manors, Lands, and Tenements, they shall stand seised to the use of the said T. S. for terme of his life, without impeachment of waste, and after his decease to the use of the said W. P. and his execu-

tors, till the said B. and A. and either of them shall come to the full age of 16. yeares, and after they and either of them shall come to that age, then to the use of the same B. and A. and of the Heires of their bodies begotten, and for lacke of such issue, to the use of the right Heires of the said T. S. for ever. Provided alwayes, that it shall be lawfull to the said T. S. to make a Joynture, or to assigne a Joynture in use of the Manor of G. with the appurtenances, to any woman that shall hereafter be his wife, if he shall hap to be married, to have to her for terme of her life onely, or else to make a Grant of an annuity of twenty pounds, or of a rent charge of twenty pounds, to be perceived yearely of the same Manor, to the same woman that shall be his wife, if any such hap to be, to have to her for terme of her life onely, the said covenants notwithstanding. And if the said G. or the said daughters, or any of them being heire apparant or heire indeed of the said T. S. refuse to be married by the said W. P. or his Assignes, and at his or their assignement: Or if the said sonne or any of the said daughters be married at the assignement of any other person then of the said W. P. or his Assignes, then the same W. P. or his Assignes shall have in recompence of such marriage two hundred pounds of lawfull money, to be perceived by the same W. or his Assignes, as it will yearely arise of the said Manors of H. T. and P. and of the said Lands and Tenements in H. T. and P. and E. immediately after the same heire that so refuseth to be married by the assignement of the said W. P. or his Assignes, or that shall be married by the assignement of any other person then of the said W. or his Assignes, shall come to the full age above limited. That is to say, If it be male, to the age of twenty and one yeares, and if it be female, to the age of sixteene yeares. And that the said feoffees immediately from the time that the heire come to such full age above limited, shall stand seised in the same Manors, Lands, and Tenements, to the use of the said W. P. and his Assignes, till the same W. P. or his Assignes have received of the issues and profits of the same Manors, Lands, and Tenements, two hundred pounds of lawfull money: And after that two hundred pounds so received, they shall stand further seised to the use that the same feoffees shall take the issues and profits of the same Manors, Lands, and Tenements, till they have received two hundred markes, to be expended as he limited by the last will of the said T. S. And if he make no will thereof, then it to, &c. And if the said G. B. and A. happen to decease or ever they be married, and the said T. S. have no issue of his body that may be married, at the assignement of the said W. or his Assignes: Then the said W. or his Assignes shall have in

in recompence for ſuch marriage, and for ſuch money as the ſaid T. ſhall have of the ſaid W. by his two hundred pound to be perceived, as it will yearely grow immediatly after the death of the laſt Heire apparant, or heire indeed of the ſaid T. S. of the iſſues and profits of the ſame manors of H. T. and P. and of the ſaid lands and tenements in H. T. and P. and that the ſaid feoffees ſhall ſtand ſeiſed of the ſame manors, lands and tenements, to the ſame uſe and intent. And in caſe the ſaid G. deceaſe unmarried, and the ſaid W. M. marry one of the ſaid daughters unto the heire apparant of the ſaid W. M. and the ſaid T. S. marry againe and have iſſue male: That then the ſaid feoffees ſhall ſtand ſeiſed of the manors of H. P. and T. and of the lands and tenements in H. P. and T. to the uſe of the ſaid W. and his Aſſignes, untill they have received of the iſſues and profits of the ſame manors, lands and tenements, for the marriage of the ſaid ſonne, 300. pounds of lawfull money: For which premiſſes well and truly to be performed on the part of the ſaid T. S. the ſaid W. M. ſhall pay or cauſe to be payed to the ſaid T. 300. markes of lawfull money. In witneſſe whereof &c.

A Grant of Wardſhip and Marriage.

THis indenture made betweene the moſt excellent Princeſſe, and Sect. 33.
our moſt dread Soveraigne Lady Elizabeth by the grace of God, &c. of the one party, and G. W. Gentleman of the other party, Witneſſeth, That whereas our Soveraigne Lady, with the advice of the Maſter and Councell of her Graces Court of Wards and Liveries be contented and pleaſed, to grant, and by theſe preſents doe commit and grant unto the ſaid G. W. the Cuſtody, Wardſhip, and marriage of T. H. her Highneſſe Ward, ſonne and heire of G. H. Gentleman deceaſed. And if it fortune the ſaid T. H. to dye before marriage had or before he come, or be of his full age: Then the ward and marriage of his next heire male, and ſo from heire male to heire male being within age, untill the ſaid G. W. his Executors or Aſſignes, have taken the effect of the marriage of one of them, without diſparagement, together with one Annuity or yearely rent limited and appointed by the ſaid Maſter and Counſell, to be payed yearely to the ſaid G. W. and his aſſignes, by the Queenes Majeſties Feodary of the County of C. for the time being, and towards the education and bringing up of the ſaid heire, or of any his heire or heires males, hereafter happening to come to the cuſtody of the ſaid W. G. or his Aſſignes, by vertue of this preſent Grant, not exceeding the yearely value of ſix pounds.

And whereas alſo there doth not appeare at this time, that every part of the Inheritance of the ſaid T. H. upon the death of his ſaid Father, is come into the hands and poſſeſſion of our ſaid Soveraigne Lady, nor certainly in every parcell of the Inheritance of the ſaid heires, what ought to be in her Highneſſe hands, and poſſeſſion, becauſe of ſuch dowers, feoffements, and wils, as percaſe beene declared in the ſame: therefore for that our Soveraigne Lady ſhould not be deceived in that behalfe, but that her Highneſſe ſhould have perfect knowledge and underſtanding of all ſuch Manors, Lands, and Hereditaments, which immediately after the deceaſe of any perſon or perſons, or after the yeares finiſhed or ended, or any laſt will performed, ſhall deſcend, revert, remaine, or come to the ſaid heire in poſſeſſion or reverſion, and the very beſt and uttermoſt true value of them by the yeare, the ſaid G. W. hath delivered a writing indented, hereunto annexed, in the which beene contained and ſpecified all ſuch Manors, Lands, and Hereditaments, and the beſt and uttermoſt true value of them, which beene deſcended, or hereafter ſhall deſcend and come to the ſaid heire in poſſeſſion or reverſion, as is aforeſaid: All which Manors, Lands, and other the Premiſſes in the ſame writing indented, beene valued to the beſt and uttermoſt true value of the ſame. And the ſaid G. W. covenanteth and granteth for him and his aſſignes by theſe preſents, that one Auditor or Auditors, or any other perſon or perſons, appointed and authorized by the ſaid Maſter and Counſell for the time being, at the coſts and charges of the ſaid G. W. or his Aſſignes, ſhall ſearch, view, and value the truth of the ſame: Upon the which ſearch, view, and value, if it can be proved that the ſaid Manors, Lands, and other the Premiſſes, or any of them, which ſhall or ought to deſcend, revert, remaine, or come to the ſaid heire in poſſeſſion or reverſion as aforeſaid, be omitted and left out of the ſaid writing indented, or elſe be found of larger and better yearely value, than in the ſaid writing is limited: Then the ſaid G. W. his Executors or Aſſignes, ſhall content and pay unto our ſaid Soveraigne Lady as much money as the overplus of the yearely value of the ſaid Manors, Lands, and Hereditaments ſo under-valued ſhall amount unto, above the yearely value limited in the ſame writing indented, if any ſuch ſhall be found upon the ſaid ſearch and view, after the rate of three yeares value, and alſo as much money, as the ſaid G. W. or any other to his uſe ſhall perceive and take of the ſaid Manors, Lands, and Hereditaments, ſo omitted; and that from the deceaſe of the ſaid G. H. and likewiſe the value of all the Manors, Lands, and Hereditaments, left out and omitted in the ſame writing indented, if any ſuch ſhall be found

upon

upon the ſearch, view, and value of the ſaid Manors, Lands, and Hereditaments, being of the Inheritance of the ſaid heire, which ſhall happen to deſcend, revert, remaine, or come to him, before he come and be of his full age of one and twenty yeares. And the ſaid G. covenanteth and granteth for him and his Aſſignes by theſe preſents, that he the ſaid G. W. and his Aſſignes, ſhall not onely bring up and intertaine the ſaid T. H. and all other his heire or heires males, hereafter happening to be the Queenes Majeſties Wards, or comming to the cuſtody of the ſaid G. W. or his Aſſignes, by vertue of the ſaid Grant, in good erudition, vertues, and decent qualities, as to the Queenes honor in that behalfe, and the ſtate of her Highneſſe publike weale appertaineth, but alſo as much as in him and them lyeth, ſhall ſave and defend all the Manors, Lands, and Hereditaments, of the Inheritance of the ſaid Heire, from all unlawfull intruſions, incrochments, waſts, decayes, ſpoyles, diſorders, and expelling of tenants. And if at any time hereafter during the ſaid Grant, any unlawfull intruſion, incrochments, waſts, decay, ſpoyle, diſorder, or expelling of tenants be done or made upon any part or parcell of the ſaid Inheritance, or if any evidences, muniments, or writings concerning the ſame Inheritance, be imbeazled, withdrawn, concealed, or miſuſed, to the knowledge of the ſaid G. W. or his aſſignes: That then the ſaid G. W. or his Aſſignes, forthwith after knowledge had of any ſuch intruſion, incrochment, waſt, decay, ſpoyle, diſorder or expelling of tenants, imbeazling, withdrawing, miſuſing of evidences and writings, ſhall certifie the ſame to the ſaid Maſter and Councell for the time being, and receive and proſecute further order for the reformation thereof, to, and for the advancement of the Queenes Highneſſe intereſt and right, and for the preſervation, ſafegard, and tuition of the Inheritance of the ſaid Heire. And the ſaid G. W. covenanteth and granteth, for him, and his Aſſignes by theſe preſents, that neither he the ſaid G. W. or his Aſſignes, ſhall give, grant, commit, bargaine or ſell the ſaid grant, or the cuſtodie of the ſaid T. H. nor any other his heire or heires males, comming to the cuſtodie of the ſaid G. W. or his Aſſignes, by vertue of the ſaid grant, unto any perſon or perſons, being next of kindred to the ſaid heire, to whom the ſaid Inheritance may deſcend, ne to any other having, pretending, or claiming any title or intereſt to the ſaid Inheritance, or any part thereof: Ne ſhall diſpoſe in marriage, or by any perſwaſion indure the ſaid heire to marry, where any caſe of diſparagement, or other detriment, annoyance, or diſorder may riſe, contrary to the order of the Law. And the ſaid G. W. covenanteth and granteth,

granteth, for him and his assignes by these presents, that within one yeare next after the date hereof, he the said G. W. or his assignes, shall repaire to the said Master and Councell for the time being, for the Queenes Majesties bill signed, or warrant, for her Highnesse letters Patents concerning the said Grant, and shall prosecute forth, and bring the said letters Patents unto the Auditor generall of the said Court of Wards and Liveries, to have the same inrolled, as the same Auditor may have perfect knowledge and understanding how to charge or deduct the yearely allowance for the exhortation of the said heire, committed and granted in the same letters Patents at all times when need shall require. In witnesse whereof to the one part of these Indentures, remaining with the said G. W. our said Soveraigne Ladies Seale of her Graces Court of Wards and Liveries, with the advise of the Master and Counsell of the same Court, is affixed and set, and to the other part remaining with the Queene in her Graces Court, the said G. W. hath put to his seale, and subscribed his name the day of &c. in the xxxvij. yeare of our Soveraigne Ladies most gratious raigne, &c.

A Grant of a Ward within age.

Sect. 331. OMnibus &c. I. Comes O. salutem. Sciatis me præfatum Comitem, pro quadam pecuniæ summa mihi per T. M. generosum, præ manibus solut', dedisse, et per præsentes concessisse eidem T. custodiam W. B. filiæ et hæred' R. B. iam defuncti, Ac omnium terrarum, tenementorum, et hæreditamentorum, quæ ad manus meas devenire poterint, ratione minoris ætatis ejusdem W. post mortem dicti R. qui de me tenuit die quo obiit p̄ servitium Militare. Habend' et tenend' custodiam p̄dict', ac maritagium prædict' W. p̄fat' T. et assignat' suis, quousque prædict' W. ad plenam ætatem viginti unius annorum pervenerit, et quamdiu in manibus meis fore contigerit, seu remanēr' deberet. Et si contingat p̄dict' W. obire antequam ad plenam ætatem viginti unius annorum p̄venerit, hæred' suo infra ætatem existent', tunc sciatis me p̄f. Comitem, pro consideratione p̄d', dedisse et per p̄sentes concessisse p̄f. T. custodiam ejusdem hæred', ac omnium terrarum, tenem̄torum, et hæreditamentorum prædict' una cum maritagio ejusdem hæredis, et sic de hæred' in hæredem quousq; unus eorum ad plenam ætatem viginti unius annorum p̄venerit. In cujus &c. Dat', &c.

A Grant of an Advowson of a Parsonage &c.

Sect. 332. OMnibus &c. A. P. Dominus P. (aut A. B. Miles, vel armiger,) verus & indubitatus patronus Rectoriæ Ecclesiæ parochialis de N. Eboracen-

cēſi dioceſis, ſalutem in domino ſempiternam. Noveritis me præfat' A. dediſſe &c. dilect' mihi C. P. & E. L. gener' conjunctim, & eorum alteri per ſe diviſim, executoribus & aſſignat' ſuis, primam & proximam advocationem, donationem, collationem, nominationem, præſentationem, liberam q; diſpoſitionem prædict' Rectoriæ Eccleſiæ parochialis de N. Volens & hoc præſenti ſcript' meo concedens, qd' bene liceat et licebit dict' B. et E. conjunctim, et eorum alteri per ſe diviſim, executoribus et aſſignatis ſuis ad prædict' Eccleſiam quandocunque, quomodocunq; et qualitercunq; per mortem, reſignationem, privationem, ceſſionem, permutationem diviſionem, ſive quocunque alio modo, primo et prox. vacari contigerit, aliquem unum virum honeſtum et literatum præſentare, cæteraque omnia quæ ad patroni munus ſeu officium ſpectant perficere pro hujuſmodi prima proximaq; vacatione tant', adeo plene et integre ſicutegomet ea in parte facerem ſi hoc præſens ſcriptum meum fact' minime fuiſſet. In cujus &c. Dat' &c.

Of an Advowſon of a Deanry, Provoſtſhip, or Maſterſhip of a Colledge.

REx &c. (*ut ſupra* 327. *A.*) ac tenore p̄ſentium damus et concedimus dilectis ſubditis noſtris A. B. et C. D. armig', primam ac proximam advocationem &c. Decanatus, Præpoſituræ, Magiſtri, ſive Præfecturæ Collegii noſtr̄ de N. in com̄ nr̄o M. Habendum &c. *ut ſupra.* Sect. 333.

Of an Advowſon of a Parſonage or Vicarage.

REx, &c. ſalutem. Sciatis quod nos &c. dedimus et conceſſimus, ac per præſentes damus et concedimus dilectis ſervientibus noſtris A. B. et C. D. Milit', primam, &c. *ut ſupra*, Eccleſiæ parochialis (*or if it bee of a Vicarage*) Vicariæ perpetuæ Eccleſiæ de N. in comit' noſtro Kanc', Cantuarien dioceſ. et noſtri patron̄ pleno jure exiſten̄, vel in jure Coronæ noſtræ, vel ratione Ducatus noſtri Lancaſtr̄, vel ex conceſſione A. B. hac vice tantum &c. Habend' et tenend' predict' primam &c. præfat' A. B. et C. D. conjunctim vel diviſim, aut eorum aſſignat', et eorum cuilibet, pro unica et proxima vacation̄ ejuſden duntaxat: Ita qd' bene licebit eiſdem A. B. et C. D. conjunctim vel diviſim, aut eorum aſſignat' ſeu eorum cuilibet, auctorita' præſent' doni et conceſſionis nr̄æ, unum aliquem idoneū virum ad dictam Eccleſiam dioceſano ejuſd', aut alteri judici in ea parte competenti p̄ſentare, cum primo et proximo p̄fata Eccleſia (ut præfertur) per mortem, reſignationem, privationem, ceſſionem, ſeu quacunque alia Sect. 334.

alia ratione vacare, contigerit. Ac omnia alia & ſingula quæ circa præmiſſa neceſſaria fuerint, ſeu quomodolibet opportuna, peragere & implere, tam bene, libere, ac integre, quam nos ipſi perageremus, ſi præſens conceſſio nra pf. A.B. & C.D. facta non fuiſſet. In cujus &c.

Of an Advowſon of a Prebend in a College.

Sect. 335. REx &c. Sciatis nos de &c. dediſſe &c. dilectis nobis T.H. & N.M. primam & proximam advocationem canonicatus & pbend in Collegio nro Oxon, vulgariter nuncupat (K. Henry the eights College) ac plenam & integram collation hmdi canonicat et præbendæ pro prima et proxim vacatione ejuſdem tantum. Ita q bene licebit eiſdem T.H. & N.M. ac eorum utrique conjunctim & diviſim, executoribus & aſſign ſuis, ac eorum utrique, canonicatum & præbendam præd ſic (ut præmittitur) primo & proxim vacant uni alicui pſonæ idoneæ, vere & actualit intuitu charitatis conferre. Nec non literas collationis ad hoc ſufficientes & in jure validas facere, ſigillare & tradere, Decanoque & Canonicis dicti Collegii nri pro hmdi perſonæ reception, admiſſion, & inſtallation reſcribere, cæteraq omnia circa pmiſſa neceſſaria facere & exequi pro hmdi prima ut pmittit ac proxima vacat tantum, adeo plene &c. *ut ſupra.* In cujus &c.

A Grant of the next Advowſon of a Parſonage.

Sect. 336. OMnibus &c. Noveritis me prædictum T.G. dediſſe &c. dilectis mihi in Chriſto I.C. & R.G. armig'& aſſignatis ſuis, primam &c. in comitat E. Ita quod bene licebit eiſdem I. & R. executoribus, adminiſtr, & aſſignatis ſuis quandocunque Eccleſia &c. *ut ſupra,* vacare contigerit aliquam aliam idoneam perſon de qua ſibi melius videbit expedire, ad Rectoriam prædict' ſic vacuam nominare & preſentar quouſque una aliqua perſona idonea ad nominationem & præſentationem eorund I. & R. ſeu eor alterius, executor, adminiſtrator, aut aſſignator ſuor, ſeu alterius eor ad eand Rectoriam cum pertin admittat, inſtituat & inducat &c. In cujus &c.

A Collation or Donation of a Chappell.

Sect. 337. VNiverſis Chriſti fidelibus &c. I. N. &c. ſalut & ſinceram in domino charitatem. Cum Capella libera de R. dict dioceſis jam vacare, & ad meam donationem pleno jure ſpectare dignoſcit: Noveritis me prædict' Capell' cum omnibus ſuis juribus & pertin univerſis dilecto mihi in Chriſto R.C. clerico, viro tam probo quam diterat, doc-

naſſe

naſſe & conceſſiſſe, ac tenore præſentium ipſum R. in corporalem poſſeſſionem dictæ capellæ cum pertiñ inducere, In cujus &c.

A Grant of an advowſon of a Parſonage in fee.

REx &c. Sciatis quod nos ex gratia &c. dedimus &c. G.R. & R.B. advocatioñ, donatioñ, liberam diſpoſitioñ, & jus patronat & preſentandi rectoriæ & eccleſiæ parochialis de D. in coñ S. Habend &c. pſ. G.R. & R.B. hæred & aſſignſuis imperpetuum. In cujus &c. Sect. 338.

An Appropriation of a Parſonage by the Queene.

REgina &c. Sciatis quod nos &c. dedimus &c. Decano & Capitulo Eccleſiæ Cathedralis C. & beatæ M. virginis Wigorñ, advocationem, &c. Rectoriæ & Eccleſiæ parochialis de D. in comit B. Habend &c. eiſd Decano & Capitulo & ſucceſſoribus ſuis imperpetuum. Et ulterius ſciatis per præſentes quod nos de &c. ac auctoritate noſtra regia ſuprem & eccleſiaſtica qua nunc fungimur, pro nobis hæred & ſucceſſoribus noſtris concedimus, & licentiam damus pd Decano & Capitulo & ſucceſſoribus ſuis, quod iidem Decanus & Capitulum & ſucceſſores ſui rectoriam & Eccleſiam pd, quandocunque per mortem, reſignationem, ſive deprivationem, aut aliquem alium modum quemcunque vacare contigerit, immediate in ſuos proprios uſus tenere ſibi & ſucceſ. ſuis imperpetuum poſſint & valeant, abſque moleſtatioñ aut impedimenť noſtr hæredum aut ſucceſſorum noſtror, & hoc abſque aliqua præſentatioñ, inductioñ, ſive admiſſioñ alicujus incumbentis ad eandem rectoriã extunc impoſterum fiend, Ac ulterius ex certa ſcientia & mero motu noſtris, ac authoritate noſtra pd qua nunc fungimur, pro nobis, hæredibus & ſucceſſoribus noſtris pd rectoriam & Eccleſiam de D. pdict', prout extunc (ut pfertur) vacare contigerit, ac omnia & ſingula maneria, meſuagia, terras, tenemta, redditus, reverſiones, ſervitia, glebas, decimas, oblationes, penſiones, fructus, proficua, commoditates, emolumenť, poſſeſſiones & hæreditamta quæcunque cum eor ptinentiis univerſis, tam ſpiritualia quam temporalia eiſdem rectoriæ & Eccleſiæ (ſic ut pfertur) vacañ quoquo modo ſpectanť ſive ptineñ, pd Decano & Capitulo & ſucceſ. ſuis, ac dictæ Eccl' ſuæ Cathedrali appropriamus, conſolidamus, unimus & incorporamus. Habend, tenend, gaudend, & convertendum eaſdem rectoriam & Eccleſiam de D. pdicta, ac omnia et ſingula pmiſſa eiſdem rectoriæ et eccleſ. ſpectant' & pertinent eiſdem Decano & Capitulo & ſucceſſoribus ſuis ut pdict' eſt in proprios uſus ſuos abſque aliqua pſentatione, nominatione, inductione, ſive admiſſione alicujus incumbentis, aut aliquorum incumbentium ad eand Eccleſiam extunc impoſteř fiend. Teſte &c. Dať &c. Sect. 339.

A Grant of a Stewardſhip for terme of life, with a fee for the ſame, and for counſaile.

Sect. 340. OMnibus &c. T.B. ſalutem. Sciatis me p̄f. T. dediſſe, et per præſentes conceſſiſſe A.R. officium Seneſchall' ſive Seneſcalciæ omnium et ſingulor̄ dominiorum, maneriorum, et hæreditamentorum meorum de R. F. et C. in Com̄ S. et cuſtodiam ſive officium tenendi Curiam, Leet', viſ. franciplegiorum et ſingulorum curiarum viſ. franciplegiorum et Leetar', dominiorun et maneriorum prædict' et eorum cujuſlibet: Ac ipſum A. Seneſchallum meum generalem in curiis meis viſ. francipleg' et Leetarum infra dominia, maneria, et hæreditamenta mea prædict' facio, conſtituo, et ordino per p̄ſentes. Habendum, tenend'. exercend', et occupand' officium prædict' cum pertinentiis, una cum omnibus et ſingulis feodis, vadiis, regardis, proficuis, et advantagiis eidem officio ſpectant̄ ſive p̄tinentibus p̄f. A. per ſe, vel per ſufficientem deputatum ſuum, ſive ſufficientes deputatos ſuos pro termino vitæ ipſius A. Et ulterius ſciatis me præfat̄ T. dediſſe, conceſſiſſe, et hoc præſenti ſcripto meo confirmaſſe præfat̄ A. tam pro officio prædict' exercend', et occupand', quam pro bono conſilio ſuo mihi per eundem A. ante hæc tempora impenſo et impoſterum impend' quandam annuitatem ſine annualem redditum centum ſolidorum, exeuntium de et ex omnibus prædict' maneriis, et hæreditamentis meis in R. F. et C. prædict', ad feſta P. &c. annuatim ſolvend' per manus receptor̄, firmarior̄, ballivorum, ſeu collectorum meorum premiſſorum, durante vita ipſius A. Et ſi contingat, *(ut in clauſ. diſtrictionis, & nomine pœnæ &c.)* In cujus,

A Grant of a Stewardſhip of a Corporation to a Noble man with a fee.

Sect. 341. OMnibus &c. R.I. Maior burgi de D. et Communitas ejuſdem burgi ſalut̄ in Domino ſempiter̄. Sciatis quod cum anteceſſores noſtri de tempore in tempus per multos annos jam præteritos, reſpicientes res præclaras domi foriſque ab illuſtriſſimis viris, ac dominis domino C. quondam Comite S. avo, et F. nuper Comite S. nobiliſſimo patre præclariſſimi domini G. nunc Com̄ S. domini F. &c. ordinis divi G. equitis aurati, Regiæque Majeſtati à ſacris conſiliis honorificentiſſime piiſſimeque geſtis, elegerint & conſtituerint eoſdem Comites Seneſchallos ſive recordatores ſuos manerii ſive dominii & ſocæ vill' prædict', ac Cur̄ Leetarum, viſus francipleg' villæ & ſocæ prædict', aliarumque rerum ſuarum in villa & ſoca prædict', Nos vero prædict' nunc Maior & Communitas burgi

prædict'

prædict' animis noſtris recolentes & liber agnoſcentes, quam pie, pacifice, juſte & æque præfat Comit burgum prædict' hominesque ejuſdem Burgi, cum omnibus maneriis, dominiis, terr, & tenemenť, & rebus ſuis per totum tempus prædict' rexerint & gubernaverint, quantaque beneficia ipſi in burgum p̄d homineſque ejuſd ſepius contulerint, p̄dictuſq nunc Comes etiam nunc indies confert, de cujus probata fidelitate ac ſummo in nos pietate ac benignitate merito plurim confidimus. His conſideratis, dedimus, conceſſimus, & hac præſenti charta noſtra libere confirmavimus præf. nunc Com, quem anteceſſ. noſtr annos abhinc circiter trigint ad hoc elegerunt & ordinaver, officium Seneſchall' manerii, dominii, ſive ſocæ de D. præd, ac omnium Curiar, Leetar, viſus francipleg', ac omnium alior maneriorū, dominiorum, terrar, tenemtor, & hæreditamtor noſtror, & eorum cujuſlibet infra p̄d villam, burgum, ſive ſocam, maneria, dominia, ac cætera p̄miſſa. Ac eundem nunc Com Seneſchall' nr̄um omnium p̄d nr̄orum maneriorum, dominiorum, & ſocæ p̄d, ac omnium Cur Leetar, viſus franc' pleg', terrar, tenemtor, & hæreditamentorum noſtorum p̄dict' quorumcunq & electiōn & ordinatiōn p̄d jure optimo plene approbantes & confirmantes, facimus, conſtituimus, ordinavimus & declaravimus per p̄ſentes. Habend, tenend, gaudend, exercend, & occupand offic' p̄d cum p̄tin, una cum omnibus & ſingulis feod, profic', commoditatibus & advantagiis eidem officio ſpectant ſive pertinen præfat G. nunc Com S. per ſe, vel per ſufficientem deputat, ſive ſufficientes deputatos ſuos, ad libitum ſuum, de tempore in tempus eligend & ſubſtituend, pro termino vitæ ipſius tunc Com tam honorifice, libere, et in tam amplis modo et forma, prout aliquis alius ſive aliqui alii prædict' officium unquam habuerint ſive tenuerint, aut nos illud quoquo modo dare aut concedere poſſumus. Et ulterius ſciatis quod nos in conſideratione præmiſſorum, ac pro officio prædicto exercend et occupando, damus et concedimus pro nobis et ſucceſſoribus noſtris eidem nunc Com ſuis aſſign quandam annuitatem ſive annualem reddit, &c. exeunt de et ex omnibus maneriis, dominiis, terris, tenementis, et hæreditamentis prædict' cum pertinentiis, ad feſtum Nativitatis Domini annuatim ſolvend præfat Comiti, per nos et ſucceſſores noſtros, ſeu per manus receptorum Ballivorum et Collectorum præmiſſorum. Una cum omnibus aliis feodis, proficuis, commoditatibus, proteſtatibus, authoritatibus, libertatibus, præheminentiis, et privilegiis, dignitatibus, et emolumentis quibuſcunque officio prædicto qualitercunque pertin ſive ſpectan. Ac in tam amplis modo et forma, prout aliqui alii, ſeu aliquis alius officium prædictum antehac unquam habuerunt vel occupaver, ſive habuit vel occupavit, aut habere ſeu occupare debuit ſeu potuit: Ac in tam amplis modo et forma, quam idem officium & cætera premiſſa cum pertinentiis dari aut concedi poſſunt aut debeant.

beant. Et ulterius convenimus & concedimus per preſentes, quod ſi contingat prædictam annuitatem ſive annualem redditum, &c. aut aliquam inde parcellam aretro fore inſolut̃ ad aliquod feſtum feſtorum prædictorum in quo ut prefertur ſolvi debeat durante vita præfati nunc Comitis, quod tunc & toties bene liceat & licebit eidem Comiti & aſſignatis ſuis in omnia & ſingula prædict' maneria, dominia, terr̃, tenementa, & hæreditamenta noſtra cum ptineñ intrare & diſtringere, & diſtrictiones ſic ibidẽ captas & habitas, licite aſportare, effugare, & penes ſe retinere donec eidẽ nunc Comiti & aſſignatis ſuis de p̃dict' annuitate ſive annuali redditu cum omnibus inde arreragiis ſi quæ fuerint, plenarie ſit ſatisfactum & perſolut̃. Humiliter ſupplicantes quatenus p̃fat. Comes p̃dictum officium, annuitat̃ ac cætera p̃miſſa ut teſtimonium noſtræ in illum qualiſcunque gratitudinis certiſſimum à nobis accipere, & nos in illius clientelam ſuſcipere dignetur per p̃ſentes. In cujus rei teſtimonium has literas nr̃as patentes fieri, & eiſdem ſigillum noſtrum commune apponi fecimus. Dat̃ in Guilhalda burgi p̃dict' 4. die &c.

A Grant of Vnderſtewardſhip, or Deputation.

Sect. 342. OMnibus &c. T. P. ſalutem. Cum W. F. per ſcriptum ſuum gereñ dat̃ &c. conſtituerit & ordinav erit me præf. T. Seneſc' ſuum dominiorum & manerior̃ ſuorum de B. & S. in Com̃ E. ac omnium cur̃, viſ. francipleg', & leetar̃ infra dominia & maneria præd̃: Tenend̃, habend̃, occupand̃, & exercend̃ officium præd̃ per me, vel per ſufficient̃ deputat̃ meum, ſive ſufficientes deputatos meos pro termino vitæ meæ cum feodis, vadiis, regardis & proficuis eid̃ officio ſpectañ, aut ab antiquo debit̃ vel conſuet̃ una cum quodam annuali feodo xl. s. pro exercitatione & occupatioñ officii p̃d̃ prout in ſcripto p̃d̃ plenius apparet. Sciatis me p̃f. T. feciſſe, ordinaſſe; & per præſentes conſtituiſſe dilect' mihi R. S. meum deputatum ſive ſubſeneſchallum dominiorum ſive maneriorum præd̃ omnium & ſingularum cur̃ viſ. francipleg' & leetar̃ infra dominia ſive maneria p̃dicta: habend̃, tenend̃, occupand̃, & excercend̃ idem officium hm̃di deputat̃ ſeneſchalli ejuſd̃ R. p̃ ſe vel p̃ ſufficientem deputat̃ ſuum, ſeu ſufficientes deputat̃ ſuos ad terminum vitæ mei p̃d̃ T. pcipiendo annuatim durante t̃mi p̃d̃ pro officio illo exercendo & occupando omnia feoda, vadia, regarda & proficua eidem officio ſpectantia aut ab antiquo debit̃ vel conſuet̃, una cum p̃d̃ annuali redd̃ xl. s. adeo plene & integre, & in tam amplis modo & forma prout egomet nunc aut p̃antea habui, pcepi, uſus fui, vel facere conſueui. In cujus &c.

A

A Deputation with authoritie to execute the office of an Aulnageor.

THis Indenture made, &c. Between, &c. Witneſſeth, that the ſaid R. H. Sect. 343.
hath deputed, and by theſe preſents doth depute the ſaid W. G. to miniſter, meddle, occupie, and exerciſe his office of Aulnage, and ſeale of woollen clothes, made and hereafter to be made, to be put to ſeale within the Townes of C. aforeſaid, C. D. and H. in the ſaid County of S. and the Towns of &c. in the County of E. with their members, and within two miles compaſſe of every of the ſaid Townes, not being in any other mans leaſe or farme, together with the whole Shires, and Countries of &c. the Towne of W. only excepted and reſerved. To have, uſe, occupy, and exerciſe the ſaid office of Aulnage and ſealing to the ſaid W. G. his executors and aſſignes from the feaſt of, &c. laſt paſt before the date hereof, unto the end and terme of viiii. yeares, from thence next and immediately following, and fully to be compleat and ended, with all the whole profits, revennues, iſſues, and advantages, that of right ſhall grow and be due to the ſaid W. G. by reaſon of the ſaid office, during the ſaid terme without interruption, medling or diſturbance of the ſaid R. H. or any other in his name, or by his commandement: For which profits, revennues, iſſues, and advantages, to be perceived, and taken in manner and forme afore expreſſed, the ſaid W. D. covenanteth and granteth for him, his executors and aſſignes, to pay yearely during the ſaid terme of 14. yeares, and for every of the ſame, ix. li. of good and lawfull money of England, to be payd to the ſaid R. H. his executors or aſſignes in the Caſt of &c. by even portions. And in occupying and exerciſing the ſaid office, during all the ſaid terme of 14. yeares the ſaid W. ſhall not doe, or cauſe to be done any thing contrary to any act, ordinance, or ſtatute, made this time made, by any Parliament, or hereafter to be made, concerning the ſaid office, whereby the ſaid R. H. his executors or aſſignes, may run in any contempt, penalty, or danger, towards our ſaid Soveraigne Lord the King, or towards any common perſon or perſons, whereby the ſaid R. H. may at any time forfeit the ſaid office. Moreover the ſaid W. G. covenanteth and granteth, to and with the ſaid R. H. that the ſaid W. his executors or aſſignes, at every of the ſaid Feaſts, during the ſaid terme of 14. yeares, and for every yeare of the ſame ſhall make true certificate and due preſentment unto the ſaid R. H. his executors or aſſignes, of all and every ſuch forfeitures of woollen clothes, as well of broads, as of narrowes, as ſhall come to his hands or knowledge, or to the hands or knowledge of his aſſignes, from time to time, when

ſuch forfeiture or forfeitures of woollen clothes ſhall happen to fall during the ſaid terme of 14. yeares. And it is covenanted and agreed, betweene the ſaid parties, that the ſaid clothes ſo forfeited, ſhall remaine to the intent and uſes hereafter inſuing, that is to ſay: The one halfe and moity of the ſaid forfeiture or forfeitures, to the uſe of our ſaid Soveraigne Lord, according as it is expreſſed in the Kings Letters Patents made to the ſaid R. H. of the office aforeſaid, and the other moity and halfedell to the uſe of the ſaid parties, equally to be divided and parted betweene them, that is to ſay, to the ſaid R. H. his executors or aſſignes the one moity, and to the ſaid W. G. the other moity. And furthermore the ſaid W. G. covenanteth for him, his executors and aſſignes, to and with the ſaid R. H. his executors or aſſignes, that he the ſaid W. his executors or aſſignes, nor none other manner of perſon or perſons, in his or their name or commandement, ſhall from thenceforth ſeale any manner of cloth or clothes now made or hereafter to be made and to be put to ſeale, but onely ſuch cloth and clothes, as now are and hereafter ſhall be made and clothed within the Shires, Townes and limits above ſpecified, and in no other place, during the ſaid terme of foureteene yeares, any thing to the contrary above expreſſed notwithſtanding, and for aſſurance of all and ſingular covenants, grants, and agreements on the behalfe of the ſaid W. his executors and aſſignes well and truly in manner and forme before rehearſed, to be obſerved and kept, the foreſaid W. is bounden to the ſaid R. H. in one obligation of C. li. bearing date the day of this Indenture. In witneſſe, &c.

A Grant of a Stewardſhip during pleaſure.

Sect. 344. OMnibus, &c. H. W. miles, Salutem. Sciatis quod ego &c. dedi &c. dilecto mihi T. B. offic' ſeneſchalli omnium dominorum & maneriorum meorum in comitatu E. & H. ac ipſum T. ſeneſchall' omnium dominiorum & maneriorum meorum præd' facio, ordino & conſtituo per præſentes: Habendum &c. offic' præd' præfat' T. per ſe vel per ſufficientem deputat' ſuum ſive ſufficientes deputatos ſuos à feſto S. Michaelis Archang ultimo præterito, durante beneplacito meo cum vad' & feod' xiii. ſolidorum & iiii. denariorum per annum percipiend' annuatim præfat' T. de exitibus, proficuis, & reventionibus manerii mei de C. in comitatu E. prædict per manus recept' mei ibid' pro tempore exiſten' ad feſta &c. Mandamus inſuper univerſis & ſingulis firmariis, tenentibus & occupat' meis, & eorum cuilibet ibidem quod præf. T. & deputatis ſuis in hac parte de tempore in tempus aſſiſtentes ſint, obedientes & auxiliantes in omnibus prout decet. In cujus, &c.

A

A Grant of a Bailywicke.

OMnibus &c. R. C. &c. Noverit univerſitas veſtra me de fidelitate, circumſpectione & debito obſequio dilecti ſervientis noſtri C. A. mihi in poſterum impend' plenius confidentem, feciſſe, ordinaſſe & per præſens ſcript' meum conſtituiſſe ipſum G. ballivum meum villæ & manerii ſive dominii noſtri de R. in comit' H. ac collector', & receptorem, omnium & ſingulorum reddit', finium, amerciam' & extract' duarum leetarum ſive viſ. franciplegiorum noſtrorum ibid' inde, & quorumcunque aliorum proficuorum ratione earund' leetar' ſive viſ. francipleg' qualitercunque emergent' ſive provenient': Habend', tenend', exercend', & occupand' offic' p̄d' eidem G. per ſeipſum quamdiu idem G. erga me ſe bene geſſerit, & fidele compotum de receptis & recipiend' nobis reddiderit, ac ea nobis ſolverit & plenarie ſatisfecerit. Percipiend' de nobis pro vadiis ſuis annuis xl.s. ad feſta &c. æquis portionibus p̄ manus meas proprias poſt compotum & plenariam ſolut' cujuſlibet dimid' anni, ac dona, feod', regarda & emolumenta eidem officio debita & conſueta, de receptis præd' ſolvend', Mandans, &c. Sect. 345.

A Grant of the office of Cuſtos rotulorum.

REgina omnibus &c. Salut'. Cum per literas patentes domini H. 8. nuper regis Angliæ patris noſtri perchariſſimi, geren' dat' apud W. 8. die [illegible] ann' regni ſui 28. recitat' exiſtit: Quod cum idem nuper Rex de gratia ſua ſpeciali, ex certa ſcientia, & mero motu ſuis, necnon in conſideratione boni & fidelis ſervitii, q̄d' dilectus & fidelis tunc ſerviens ſuus R. W. ſibi ante tunc impendebat, & durant' vita ſua impēdere intendebat, dederit & conceſſerit per literas patentes prædict' eidem R. W. officium Contrarotuloris omnium & ſingulorum recognic', placitor', finium, amerciamentor', redemption', manucaptionum, recognic', irrotulament' & exemplific', inquiſic' brevium, proceſſ. cuſtomar. & omnium aliorum quorumcunque coram Juſtic' dict' nuper regis vel locum tenent' ſuis, aut locum tenente ſuo in com' C. & F. coram Camer' ejuſdem nuper regis C. & deputat' vel locum tenen' ſuo. Ac etiam coram Eſcaetor' dicti nuper regis com' C. & Eſcaetor' ſuo com' ſui F. & deputat' ſuo, ac etiam coram vic' prædict' nuper regis & deputat' ejus, ſive ſubvic' dicti nuper regis de F. deputat' ſuo. Necnon coram quibuſcunque aliis officiariis, & miniſtr' ejuſdem nuper Regis in Com' prædict', aut per aliquem, & quoſcunque offic' & miniſtr' ſuos infra eoſdem com' ſuos & utrumque eorundem, aut deputat' vel unjuſcujuſcunq; officiar' p̄d' recipiend', agend', faciend', & exequend' tā in dictis com' & ſeſſion' in com' p̄d' tenend', quam omnibus aliis temporibus anni: Necnon omnium & ſingulor' operum edification' & reparac' dict' nuper regis Sect. 346.

infra com̃ prædict'. Cumque etiam eidem nup Rex H.8. per literas suas patentes p̃d dederit & concesserit eidem R.W. plenam potestatem, authoritatem, ac mandatum suum speciale ad videndum, legendum, & examinand' omnia & singula recorda, rotulos, brevia, retorn & muniment' quecunque coram officiar p̃d et quolibet eorum capt', fact', capiend', faciend', seu remañ toties quoties p̃d R.W. aut ejus deputat placuer: habend', tenend', & gaudend' et exercend' officium p̃dict per predict R.W. aut p deputat suũ vel per sufficient deputat suos pro termino vitæ ejusdem R.W. cum vad' & feodis eidem officio debit et consuet pcipiend' & persolvend' annuatim de exitibus et reventionibus dict nuper regis ex dict Comitat C. & F. et debit p manus aliquorum aliorum receptorum, ballivorum, firmarior, præpositorum, tenentium vel occupatorum suorum com̃ sui C. aut F. præd' pro tempore existen ad festa &c. per equales portiones, una cum omnibus aliis feod', proficuis, commoditatibus, advantagiis, libertat, et emolument' quibuscunq; prædict' officio Contrarotulatoris debit et consuet, in tam amplis modo et forma prout W. B. defunctus de alta prodit attinct' aut attinctur prædict' in vita sua habuit, aut deputatus suus, sive deputat sui, vel aliquis alius, aut aliqui alii pro officio prædict' exercend' et occupand', habuit et percepit, habuerunt et perceperunt, prout per literas patentes præd' plenius liquet et apparet. Qui quidem R. adhuc superstes et in plena vita existit, ac de officio præd' et cæter præmissis ad præsens seisitus est in dominico suo ut de libero tenemento pro termino vitæ suæ. Sciatis quod nos de fidelitate, industria, et diligentia dilect' subditi nostri S. &c. quamplurimum confidentes, de gratia nostra speciali, ac ex certa scientia et mero motu nostris dedimus et concessimus, ac pro nobis, hæred', et successoribus nostris per præsentes damus et concedimus eidem I.S. officium Contrarotulator nostri, ac hæred' et successorum nostrorum, & omnium et singulorum recordorum, placitor, finium, amerciamentorum, redemption', manucaptionum, recognition', irrotulament', exemplification', inquisic', proces. brevium, customar omnium alior quorumcunque coram Iustic' nostris, ac hæred' et successorum nostror C. & deputat vel locum tenen' suo, at etiam coram Eschaetor nostro, ac hæred' et successor nostrorum com̃ Cestr, et Escheator nostro, ac hered' et successorum nostrorum com̃ nostri F. & deputat suo, ac etiam coram Vic' nostro, ac hæred' et successor nostrorum et deputat ejus, sive subvic' com̃ nostri C. ac coram Vic' nostro, ac hered' et successor nostrorum com̃ nostri F. et deputat suo: Nec non coram quibuscunque aliis Officiar et Minist nostris, ac hered' et successor nostror in com̃ p̃d, aut p aliquem et quoscunque officiar et minist nostros, ac hered' et successorum nostrorum infra eosdem com̃ nostros et utrunque eorund', aut deputat vel unius cujuscunque officiar prædict' recipiend', agend', faciend', et exequend' tam in dicto comitatu

tatu & ſeſſion' in com̃ prædict tenend, quam omnibus aliis temporibus anni: Necnon omnium & ſingulorum operum, ædificationum, & reparationum noſtrarum, ac hæred & ſucceſſorum noſtrorum infra comitat prædict. Damus etiam pro nobis, hæred et ſucceſſor noſtris per præſentes, ac ex certa ſcientia et mero motu noſtris concedimus præfat I.S. plenam poteſtatem & authoritatem, ac mandatum noſtrum ſpeciale per præſent ad videndum, legend, & examinand, omnia & ſingula record, rotulos, brevia, retorn', et muniment quecunq; coram officiar p̃d, et quolibet eorum capt, fact aut capiend, fiend ſeu remanent, toties quoties dict I.S. aut ejus deputat melius videbitur expedire. Ac etiam omnia et ſingula alia exercend et agend quæ ad officiũ contrarotulatoꝛ ptin', ſive cõſuet fuerint faciend. Habend, tenend', occupand' gaudend', et exercend' officium p̃d p̃f. I.S. p ſe, aut p deputat ſuũ, vel p ſufficient deput ſuos pro termino vitæ ejuſdẽ I.S. una cum omnibus vad' et feod' eidem officio debit aut conſuet, aut pertiñ ſive ſpectan', percipiend et perſolvend annuatim de exitibus et reventionibus com̃ nr̃orum C. & F. per manus receptoꝛ, ballivoꝛ, firmarioꝛ, præpoſitoꝛ, tenentium vel occupatoꝛ noſtroꝛ, ac hæred vel ſucceſſoꝛ noſtroꝛ p̃d com̃ nr̃oꝛ C. aut F. pro tempore exiſtent, ad feſta &c. per æquales portiones, una cum omnibus aliis feod, proficuis, commoditatibus, advantagiis, libertat, juribus, præheminentiis, privilegiis, et emolument quibuſcunq; dict offic' contrarotulatoris debit et conſuet, in tã amplis modo & forma, prout R.W. aut W.B. in vita ſua habuer, ſeu eorum alter habuit, aut deputat ſuus, ſive deputat ſui, vel aliquis alius, vel aliqui alii, in, et pro officio p̃d exercend & occupand habuit et p̃cepit, aut habuer et p̃ceper, ſeu habere aut percipeꝛ debuit vel debueꝛ ullo modo: Eo q̃ expreſſa mentio, &c, aliquo ſtatut &c. In cujus &c.

A Grant of the Clerkeſhip of Peace.

REx &c. omnibus ad quos, &c. ſalut. Sciatis &c. dilecto nobis T.D. de &c. officium ſive occupation' Clerici pacis, in com̃ noſtro F. ac etiam officium ſive occupation' Cleric' coronæ noſtræ omnium et ſingularum Seſſion' pacis nr̃æ hered' et ſucceſſorum noſtrorum coram Iuſtic' ad pacem in dicto com̃ conſervand' aſſign': Necnon ad diverſ. felonias, tranſgreſ. & alia malefacta in eódem com̃ audiend' et determinand' aſſignat, aut p nos, hæred', aut ſucceſſoꝛ noſtros impoſteꝛ in dicto com̃ aſſignand': Ac etiam coram quibuſcunq; Iuſtic' p ſpecialem commiſſion' vel commiſſiones ſpeciales noſtras, hæred' et ſucceſſoꝛ noſtrorum ad gaolas in com̃ prædict aſſignat et aſſignand', et priſon' in carceribus ejuſd' exiſten' deliberand' de tempore in tempus. Et ipſum T.D. clericum pacis ac dict coronæ noſtr in dicto com̃ per totum eundem com̃ coram quibuſcunque Sect. 347.

Justic' nostris, hæred' & successorum nostror' per præsentes facimus, constituimus, & ordinamus, ac deputamus: habend', occupand', & exercend' officia sive occupation' prædict' eidem T.D. ut cler' pacis & coronæ in com' prædict' per se, vel per sufficient' deputat' suum, sive deputat' suos sufficient', pro termino vitæ ejusdem T.D. Habend', recipiend', & percipiend', de, in, & pro officiis sive occupationibus præd' exercend', talia vadia & feoda, emolum', proficua & regard', qualia alii Cleric' pacis et Clerici Coron' in aliis com' regni nostri Angl', pro officiis Cherici pacis & Clerici Coronæ, sive eorund' alter' exercend', habent aut habere debent separatim, secundum vim, formam, & effectum cujusdam actus Parliament' inter alia confect', edit', & provis. Et insuper volumus & mandamus per p̄sentes, q̄ custos Rotulor' existen' in com' p̄d', durant' vita ejusd' T. his literis nostris visis, aut p̄ ipsum custod' sive custod' n̄ros in hac parte, concessione, donatione, ordinatione, & deputatione p̄d' intellect' incontinenter deliberent & tradant, seu tradi aut deliberari faciant p̄f. T. vel ejus in hac p̄t' deputat', sive deputat' suis, omnia & omnimod' record', memorand', & alia scripta, ad dict' officium sive occupation' pertinent', sive qualitercunq; spectan'. Et hoc p̄f. Custos sive custod' permittat sive permittant ipsum T. ad libitum suum ad n̄rum usum, & interesse, & omnia & singula habere, custodire, retinere & occupar', et officia sive occupationes p̄d', in com' p̄dict' exercere & gaudere, cum feod', profic', & advantag', in tam amplis modo et forma, sicut aliquis alius Clericus pacis aut coron', sive aliqui alii cleric' pacis et coron' in aliis com' regni n̄ri Angl' temporibus retroactis ab antiquo habuit et p̄cepit, habuer' et percepe', absq; alia contradictione p̄turbatione, seu gravamine inde quoquo modo fiend'. Proviso semper quod idem T. virtute istar' literar' patent', aliter quam pro custod' offic' seu occupat' suor' p̄d' nullatenus oneret' seu gravet', per nos aut hæred' nostros, absque aliquo compoto, aut aliquo alio pro officiis sive occupationibus p̄dict' nobis aut hæred' nostris solvend' aut faciend': Et absque fine seu feod' ad usum nostrum pro præmissis, seu aliquo præmissor' reddend', solvend' aut faciend'. Eo quod expressa mentio &c. In cujus rei &c. T. R. apud Westm' x. die Martii ann' regni H. 8. nuper Regis Ang' 23. per breve de privato Sigillo, &c. anno supradict'.

A Grant of an office of a Scribe or Register.

Sect. 348. W. Permiss. divina L. Episc', dilecto nobis in Christo W. salut' et benedictionem: Ob liter' scientiam et morum honestatem quibus apud nos fide dignor' testimonio pensantes inducimur, ut te favore benevolo prosequamur: Offic' igit' Scribæ et Registrarii commissariatus sive sequestratoris n̄ri gener.alis totius nostri Archidiaconatus N. cum omnibus Commoditatibus,

commoditatibus, juribus, feodis, proficuis, et emolumentis quibuſcunque tam de jure quam de conſuetudine Scribæ ſive Regiſtraꝝ hm̃di offic' qualitercunq; ſpectanꝫ et pertin', ſive debiꝫ & debend', tibi damus et concedimus p̄ præſentes. Et te actorum ſcribam hm̃odi officii, ac Regiſtri ejuſdem cuſtod' tenore præſentium præficimus et deputamus, per te, ſeu deputaꝝ tuum idoneum quem adjunxeris: occupand', tenend' & habend', &c. Datum ſub ſigill' noſtr̃ quod in promptu jam ad manus habemus, xii. die menſis Novemb. ann' Dom̃ &c.

A Grant of the office of a Surveyorſhip.

REgina omnibus ad quos &c. Salutem. Sciatis quod nos de fidelitate, induſtria, let provida circumſpectione dilecti nobis I. T. gen', plurimum confidenꝫ de gracia &c. p̄f. I. T. officium particulaꝝ ſuperviſor̃ terr̃ et tenemt̃ omnium et ſingulorum honor̃, caſtrorum, dominiorum, manerior̃, terr̃, reddit, ſervic', ac omnium aliorum poſſeſſionum et hæreditꝫ nr̃, hered', et ſucceſſor̃ noſtror̃ quorumcunq; in com̃ nr̃o C. ac in omnibus villis et locis quibuſcunq; tam infra libertates quam extra, infra præcinct', limit', et circuit' ejuſdem com̃, in ſuperviſ. ord', et gubern̄ cur̃ Scaccarii nr̃i modo exiſten̄, ſeu impoſterum quoquo modo exiſtere contingen̄: Et quæ nuper fuerint in ſuperviſ. ordine, et gubernac' nup̄ Cur̃ Augmenꝫ revention̄ Coron̄ Angl', adeo plene, libere, et integre, ac in tam amplis modo et forma, prout I. S. ſive aliquis particulaꝝ ſuperviſor terr̃ p̄dict' in dicto com̃ C. per nomen unius particulaꝝ ſuperviſor̃ terr̃ nuper Cur̃ augmentacion̄ et revencion̄ Coron' Reginæ habuit, tenuit, vel gaviſus fuit, ſeu habere, tenere, vel gaudeꝝ debuit, ac ipſum T. particulaꝝ ſuperviſ. terr̃ et tenemt̃, p̄d' honorũ, caſtrorum, dominiorum, maneriorum, terr̃, tenemenꝫ, reddit, et ſervic', ac aliorum poſſeſ. & hæreditamenꝫ p̄d' facimus, ordinamus, et conſtituimus p̄ præſentes. Habend', tenend', gauden', et exercend' officium prædict' p̄f. I. T. per ſe, vel per ſufficienꝫ deputaꝝ ſuum, ſive deputaꝝ ſuos ſuffic' duante beneplacito noſtro, una cum omnibus proficuis eidem officio quoquo modo ſpectañ et p̄tinen' ſeu incũben'. Et ulterius de ampliori gratia noſtra dedimus et conceſſimus, et p̄ præſentes damus & concedimus eidem I. T. pro exerc' et occupac' officii p̄d', quandam annuitatem ſive annual' eod' &c. per annũ, Ac tot ac tantas denaꝝ ſummas pro expenſis ſuis, dum idem I. vel deputaꝝ ſuus in equitand', vel aliter circa negotia officium p̄d' tangen̄, de tempore in tempus fuerint occupaꝝ, quot & quanꝫ per diſcretionem T. C. S. & B. baron' Scaccarii noſtri p̄d' videbunꝫ eſſe neceſſar̃ & ufficien̄. Habend', & annuatim percipiend', tam eandem annuitatis ſive eod' &c. quam dictas denarior̃ ſummas pro expenſis ſuis circa officium præd' ut p̄tertur exponend' præf. I. &c. Sect. 349.

Grants of offices of Chamberlaine of the Eſchequer, Iuſtice in Eyre, Steward, Keeper of Caſtles, Maſter of the Game, &c.

Sect. 350. PHilippus & Maria Dei gratia Rex & Regina Angl' &c. Omnibus ad quos præſentes literæ pervenerint ſalutem. Cum præclariſſimus pater noſter præfat' Regiñ, per lras ſuas patentes ſub magno ſigillo ſuo Angl' confect', geren' dat' apud &c. dederit & conceſſerit dilecto conſanguineo ſuo G. Comiti S. jam defunct', ac prædicto & fideli conſanguineo & conſiliario noſtr' F. Comiti S. ordinis noſtri Garter' Militi, per nomen F. T. filii & hæred' apparentis prædict' G. officia Conſtabular' & Ianitoris caſtrorum ſuorum de R. & W. ac officium Seneſchalli dominii & manerii de R. dominii & manerii de M. dominii & manerii de W. Necnon officium Magiſtr' de duct' ferarum parci dicti patris noſtri de O. Ac etiam officium Magiſtri de duct' ferar' in chacea de M. in Marchia Walliæ. Quæ quidem dominia, maneria, ac cætera præmiſſa adtunc fuer' parcell' com dict' patris noſtr' March' Habend', occupand', & exercend' omnia & ſingula prædict' officia præfat' Comit' & F. per ſe, vel per ſufficient' deputat', ſeu ſufficient' deputatos ſuos, durante vita ipſorum Comitis & F. & alterius eorum diutius viventis: Percipiend' in & pro officiis illis exercend', vad', feod', profic', & commoditates eiſdem officiis, & eorum cuilibet debit' & conſuet', in tam amplis modo & forma, prout aliquis alius, vel aliqui alii, in, & pro eiſdem officiis, ſeu eorum aliquo habuit & percepit, aut habuer' vel percepер', ad feſta, &c. æquis porcionibus, per manus receptor' Com' March' pro tempore exiſten', prout per eaſdem literas patentes inter alia plenius liquet & apparet. Et cum p̃dict' pater noſter præfat' Reginæ, per alias literas ſuas patentes ſub magno ſigillo ſuo Angl' confect', geren' dat' &c. dederit & conceſſerit præfat' G. Comit' Salop', & prædilecto & fideli conſanguineo & conſiliar' noſtro F. Comit' Salop', per nomen F. T. armig' domini T. filii ſen' dicti G. offiicium unius Camerariorum de recept' Scaccarii dicti patris noſtri, ſive officium unius Camerariorum de Scaccario ejuſdem patris noſtri, illud, quod E. D. adtunc defunct' nuper habuit & occupavit. Habend', tenend', gaudend', & occupand' officium prædict', una cum conſtitutione & ordinatione unius hoſtiariorum de recept' prædict' cum accideret, & cum conſtitutionibus et ordinationibus omnium aliorum officiariorum & miniſtrorum eidem officio unius Camerarior' qualitercunque pertinen' ſive ſpectan' eiſdem Comiti & F. et eorum alteri diutius viventi, per ſe, vel per ſufficient' deputatum ſuum, ſive deputat' ſuos ſufficient', pro termino vitæ eorum, & eorum alterius diutius viventis. Ac cum omnibus juribus, emolumentis, robis, veſtur', & cæteris commoditatibus, advantagiis, et pertinen' quibuſcunque eidem officio quoquo modo debit'

debit̃ et conſuet̃ ſive pertinen' : Percipiend̃ in et pro officio illo, talia vad̃, feod̃, & regard̃, eiſdem modo & forma, prout aliquis alius in eod̃ officio ante hæc habuit & percepit, abſque aliquo compoto, ſeu aliquo alio domino patri noſtro ſeu hæred' ſuis inde reddend̃, ſolvend', ſeu faciend', prout per eaſdem literas patentes inter alia plenius liquet & apparet. Cumque etiam præclariſſimus frater noſter præfat̃ Reginæ Edwardus ſextus nuper Rex Angliæ, per literas ſuas patentes ſub magno ſigillo ſuo Angl' confect̃ geren' dat̃ apud Weſtm̃ &c. dederit et conceſſerit dicto prædilecto et fideli conſiliario ſuo conſanguineo noſtro E. Comit̃ Saloꝑ, officium Gardiani et capitalis Iuſtic', ac Iuſtic' ſui Itinerantis, omnium et ſingularum foreſtarum, parcorum, chacearum, & warrennarum ſuarum cum ſuis pertinen' quibuſcunque ultra Trentam exiſtentium, quæ dicto fratri noſtro præfat̃ Regin' in jure Coronæ ſuæ, aut ratione alicujus attinctur̃, eſchaet̃, forisfact̃, perquiſitionis, excambii, ſeu quocunque alio modo pertinebant aut ſpectabant, ſeu adtunc impoſterum ad manus dict' fratris noſtri præfat̃ Regin', hæred̃ aut ſucceſſorum ſuorum devenire contigerint : Dantes & concedentes eidem Comiti plenam auctoritatem et poteſtatem tenore dictarum literarum patentium ac omnia et omnimoda placita, querelas, & cauſas foreſtarum, parcorum, chacearum, warrennarum prædict', tam de viridi grano, quam de venatione, ac de aliis cauſis quibuſcunque infra eaſd̃ foreſtas, parcos, chaceas, et warrennas, evenien' ſive emergen', audiend' & determinand̃. Cumque etiam prædict' frater noſter per eaſdem literas patentes dederit & conceſſerit eidem Comiti officium Cuſtod̃ & Magiſtri de ducẽ omnium & ſingular̃ ferarum ſuar̃ infra eaſdem foreſtas, parcos, chaceas, & warrennas, et eorum quemlibet ſeu quamlibet adtunc exiſten', & impoſterum exiſtend̃ : Cumque ulterius prædict' frater noſter per eaſdem literas patentes dederit & conceſſerit præfat̃ Comiti, omnia et ſingula eaſdem eod', regard̃, proficua, reverſiones, advantagia, cõmoditat̃, et emolumenta quecunque p̃d̃ officiis, et eorum cuilibet quoquo modo ꝑtin' ſive ſpectan̄, habit̃, uſitat̃, debit̃, inciden', ſive conſuet̃, in tam amplis modo & form̃ &c. prout A. B. adtunc defunct', aut aliquis alius, ea ſive earum aliq̃ antea habuit, percepit, ſeu gaviſus fuit, ſive aliqui alii, ea ſeu eorum aliq̃ antea habuer̃, perceperunt, ſeu gaviſi fuerunt. Quæ quidem officia ac cætera p̃miſſa in dict̃ literis patent̃ geren̄ dat̃ dicto &c. expreſs. cum ſuis ꝑtiñ, adtunc poſt mortem naturalem prædicti A. B. in manibus et diſpoſitione dicti fratris noſtri extiterunt, et exiſtere deberent. Habend̃, occupand̃, gaudend̃, et exercend̃ officia predict̃, et eorum quodlibet, ac omnia & ſingula cætera præmiſs. cum ſuis pertiñ præfat̃ Comit̃, per ſe, vel per ſufficient̃ deputat̃ ſuum, ſive deputat̃ ſuos ſufficient̃ durant̃ vit̃ ipſius Comitis. Cumque inſuper præd̃ frater noſtr̃ per eaſdem literas patentes dederit

rit & concesserit eidem Comiti, pro exercitio & occupation' offic' prædict' gardiani & Iusticiar' dicti fratris nostri Itinerant' antedict', & cæter' præmissorum quandam annuitatem sive annualem redditum cent' libr' sterling'. Habend', tenend', gaudend', & annuatim percipiend' prædict' annuitatem sive annualem redditum præfat' Comiti durant' vita sua, de Thes. dicti fratris nostri, hæred' & successorum suorum per manus Thesaur' cameræ suæ hered' & successorum suorum pro tempore existent', aut per manus hujusmodi personæ seu aliarum personarum, cui vel quibus dict' frater noster hered' & successor' sui officium Thes. prædict', per nomen Thes. aut per aliud quodcunque nomen illud dare & concedere voluerit, aut aliquis hered' vel successorum dicti fratris nostri dare & concedere voluerit, ad festa Sancti Michaelis Archangeli, & Annunciationis beatæ Mariæ Virginis, per equales portiones annuatim solvend' una cum omnibus prædict' aliis vadiis, feodis, regard', proficuis, commoditatibus, advantagiis, & emolumentis prædict' officio, & eorum cuilibet pertinen', spectant', debit', incidn', sive consuet', in tam amplis mod' & forma, prout prædict' A. B. aut aliquis alius sive aliqui alii officium prædict', seu eorum aliquod vel aliqua habens sive occupans, habentes sive occupantes, habuit aut percepit, habuerunt aut perceperunt. Habend', occupand', gaudend', & exercend' officia prædict' & eorum quodlibet, ac omnia & singula cætera præmissa cum suis pertinen' præfat' Comiti, per se, vel per sufficient' deputat' suum pro eisdem & eorum quolibet absque compoto, seu aliquo alio inde dicto fratri nostro, hered' vel successor' suis pro præmissis, seu aliquo præmissor' dand', reddend', solvend', vel facient'. Cumque etiam prædict' frater noster per easdem literas patent' dederit, & concesserit pro se, hered' & successor' suis eidem Comiti, plenam potestatem & authoritatem faciend', nominand', constituend', deputand', & assignand', de tempore in tempus durant' vita sua, omnes & singulos Subseneschallos, officiar', ac clericos cur' Swannimotor', ac omnes alios clericos & ministros in quibuscunque itineribus, seu cur' dict' fratris nostri de statu ferar', parcor', chacearum, & warrenarum prædict', & eorum seu earum cujuslibet, tenend', occupand', & exercend', & eos & eorum quemlibet juxt' discretionem ejusdem Comitis amovend' & expellend', aliosque in sua vice vel in suis vicibus de tempor' in tempus locand', constituend' & ponend'. Cumque etiam prædict' frater noster voluerit & concesserit qd' virtute dictar' liter' paten', omnes hmdi Subseneschi. clerici, officiarii & Magistri, & eorum quilibet de tempore in tempus, haberet, perciperet, & gauderet, haberent, perciperent, & gauderent, vadiis, feod', proficuis, regardis, & advantagiis eis & eorum cuilibet, pro exercitio sive occupatione officiorum suorum, vel eorum alterius ab antiquo solut', debit' & consuet'. Cumque ulterius prædict' frater noster per easdem literas patentes, dederit & concesserit pro se, hæred

redꝫ & ſucceſſoribus ſuis præfatꝰ Comiti, plenam & legitimam poteſtatem & authoritatem, quod ipſe per totam vitam ſuam pro certis finibus ſecum finiendꝫ, & ad opus dicti fratris noſtri levandꝫ, licite valeret & potuiſſet de tempoꝝ in tempus cuicunque & quibuſcunque ſubditis dicti fratris noſtri licentiam dare ſpecialem, quod ipſe & eorũ quilibet licitꝫ facere valerent & valeret quaſcunq; copicias, omnimodꝫ arborum, boſcorum, & ſubboſcorum dicti fratris noſtrꝫ infra prædictꝫ foreſtas, parcos, chaceas, & warrennas, aut eorum aliquid creſceñ. Necnon dictꝫ arbores, boſcos, & ſubboſcos in hujuſmodi copiciis creſceñ ſuccidere, proſternere, & abinde cariare facere de tempore in tempus: Ita tamen quod ſucciſiones, proſtrationꝫ & abcariationes inde fierent temporibus annicongruis & opportunis, & non in menſibus vetitis, nec in exilium ferarum dicti fratris noſtri ibidem moram facere & manere conſueꝫ. Ac quod copiciæ hujuſmodi concluderentꝫ, prout moſ eſt ſecundꝫ aſſiſ. Foreſtæ dicti fratris noſtri & menſurꝫ in eadem uſitatꝫ. Cumque etiam dictus frater noſter per eaſdem literas patentes conceſſerit eidem Comiti, quod dictæ licentiæ per eundem Comitem, modo & forma prædictꝰ adtunc impoſterum cuicunque aut quibuſcunque ſubbitis dicti fratris noſtri concedendꝫ eſſent adeo efficaces & validæ in lege & tanti vigoris, prout ſi conceſs. fuiſſent per dictum fratrem noſtrum hæredꝫ aut ſucceſ. ſuos, ſub magno ſigillo Angliæ extrꝫ Cancellariꝫ ſuam, prout per eaſdem literas patentes inter alia plenius liquet & apparet. Qui quidem G. nuper Comes jam defunctus exiſtit ut accepimus, quod que prædictꝫ F. nuper Comes S. modo habet & tenet ſibi & aſſignꝫ ſuis, omnia & ſingula officia prædictꝫ, ex donis & conceſſionibus prædictꝫ patris & fratris noſtrorum, dictꝫ dominæ Reginæ in forma prædictꝰ factꝫ & conceſ. Sciatis quod nos prædicti Rex & Regina, in conſideratione boni veri fidelis & acceptabilis ſervitii quod prædilectus & fidelis ſerviens noſter G. T. Miles, dominus T. filius & heres apparens prædicti conſiliarii & conſang' noſtri F. Comitis Saloꝑ nobis ante hæc multipliciter impendit, & quod indies impendere intendit, de gratia noſtra ſpeciali, ac ex certa ſcientia & mero motu noſtris dedimus & conceſſimus, ac per præſentes pro nobis, hæredꝫ, & ſucceſſoribus noſtris damus & concedimus præfatꝰ G. T. Militi, domino T. dictꝫ officia Conſtabulariꝫ & Janitoris præfatoꝝ caſtrorum noſtrorum de Rad. & Wig. ac dictum officium Seneſchall' dicti dominii & manerii de R. ac dominii & manerii de W. dominii & manerii de M. dominii & manerii de E. dominii & manerii de R. dominii & manerii de C. T. dominii & manerii de P. dominii & manerii de N. dominii & manerii de G. dominii & manerii de K. ac dictum officꝫ cuſtodꝫ parci de W. ac officium cuſtodꝫ ejuſdem parci: Necnon dicti Magiſtri de Iuctꝰ ferarum dicti parci noſtri de O. ac ipſum G. T. Militꝫ dominum T. Conſtabulariꝫ & Janitorem prædictꝰ caſtrorum noſtrorum de R. & W. ac

Seneſchallum

Seneſchallum dictorum dominiorum, maneriorum et parcor̃ prædict̃ ultim' ſpecificat̃, et eorum cujuſlibet facimus, ordinamus, & conſtituimus per præſentes. Habendum, gaudend', occupand', & exercend', omnia et ſingula prædicta officia Conſtabular̃ et Ianitoris prædict̃ caſtrorum noſtrorum, ac Seneſchallum dictorum dominiorum, maneriorum, et parcorum prædict̃ ultime ſpecificat̃, et eorum cujuſlibet præfat̃ G.T. Militi domino T. per ſe, vel per ſufficient̃ deputatum ſuum, ſive deputat̃ ſuos ſufficientes, immediate poſt mortem dicti prædilecti conſiliarii et conſanguinei noſtri F. Comitis S. poſt intereſſe ejuſdem Comitis, de, & in eiſdem officiis prædict̃ ultim̃ recitatis complet̃ et expirat̃. Et quam cito dict̃ officia, vel eorum aliquod per ſurſum redditionem, forisfactur̃, aut aliquo alio modo primo et proxim̃ vacari contigerit, pro term̃ vitæ dicti G.T. Milit̃ domin' T. Percipiend̃ annuatim, in, & pro exercitio et occupatioñ dicti officii ultim̃ ſpecificat̃ ſeperal' vadia, feoda, proficua, regard', commoditates, et advantag' eiſdem officiis, ſeu eorum alicui debit̃ et conſuet̃, aut quoviſmodo ſpectañ, ſive pertinen', in tam amplis modo et forma, prout prædict̃ F. modo Comes Salop̃, aut aliquis alius, ſive aliqui ali', ir, et pro eiſdem officiis, ſeu eorum aliquo habuit aut percepit, aut habuerunt et perceperunt, ad feſta P. et ſancti Michael Archangel', æquis portionibus annuatim per manus Receptor̃ comit̃ noſtri March, pro tempore exiſten̄ ſolvend'. Ac etiam ex gratia noſtra ſpeciali, ac pro nobis, hæred̃, et ſucceſſoribus noſtris prædict̃ Reginæ, damus et concedimus præfat̃ G. T. Militi domino T. prædict̃ offic' unius Camerariorum Receptorum Scaccar̃ noſtri, ſive officium Camerariorum de ſcaccario noſtr̃ illud quod prædict̃ conſiliarius noſtr̃ F. Comes Salop̃ modo habet, et occupat, una cum conſtitutione et ordinatione unius hoſtiar̃ recept̃ prædict̃ cum acciderit, & cum conſtitutionibus et ordinationibus omnium aliorum officiariorum et miniſtrorum eidem officio unius Camer̃ qualitercunque ſpectañ ſive pertineñ. Ac ipſum G. T. Milit' dominum T. unum Camerar̃ de receptis noſtr̃ prædict̃, ſeu unum Camerar̃ de Scaccario noſtro, facimus, ordinamus, & conſtituimus per præſentes: Habend', gaudend', tenend', et occupand' officium prædict̃ unius Camerar̃ de recept' ſcaccarii noſtri prædict̃, una cum conſtitut' et ordinationibus unius hoſtiariorum recept̃ prædict̃: Ac cum ordinationibus & nominationibus omnium aliorum officiariorum et miniſtrorum eidem officio qualitercunque ſpectañ ſive pertin' præfat' G.T. Militi domino T. per ſe, vel per ſufficient' deputatum ſuum, ſive deputat' ſuos ſufficientes immediat' poſt mortem dicti prædilecti conſiliarii & conſanguinei noſtri F. Comitis S. vel poſt intereſſe ejuſdem Comitis de, & in eodem officio complet' et expirat': vel quam cito dictum officium per ſurſum redditionem, forisfacturam, aut aliquo alio modo primo et proxim̃ vacari contigerit,

tigerit, pro termino vitæ ſuæ dicti G. T. Milit̃ dom̃ T. una cum omnibus juribus, commoditatibus, emolumentis, & profieuis, & cæteris pertinent̃ quibuſcunque eidem officio quoquo modo ſpectan' ſive pertinentibus debit̃ ſive conſuet̃. Habend̃, & percipiend̃ annuatim, in, & pro exercitio & occupatione dicti officii omnia talia feoda & regard̃ eidem officio quoquo modo incident̃, ſpectan' ſive pertinen', in tam amplis modo & forma, prout conſanguineus & conſiliarius noſter F. Comes S. aut aliquis alius, ſive aliqui alii, in, & pro eodem officio ante hæc tempora habuerunt & perceperunt, habuit aut percepit, abſque aliquo compoto, ſeu aliquo alio nobis, hered̃, aut ſucceſſoribus noſtris prædict' Reginæ reddend̃ vel faciend̃. Ac inſuper noveritis nos pro conſideratione prædict̃ de gratia noſtra ſpeciali, ac ex certa ſcientia & mero motu noſtris dedimus & conceſſimus, ac per præſentes pro nobis, hæred̃, & ſucceſſoribus noſtris præfat̃ Reginæ damus & concedimus præfat̃ G. T. Milit̃ domino T. officium gardiani capitalis Iuſticiar̃ ac Iuſtic' noſtri itinerantis omnium & ſingulorum foreſtarum, parcorum, chacearum, & warrennarum noſtrarum, cum ſuis pertinentiis quibuſcunque ultra Trentam exiſten̄, quæ nobis & in jure Curiæ noſtræ, aut ratione alicujus attinctur̃, eſcheat, forisfacturæ, perquiſitionis, excambii, ſeu quocunque alio modo pertinen' aut ſpectan̄, ſeu imposterum ad manus noſtras hæred̃ aut ſucceſſorum noſtrorum dictæ reginæ devenire contigerint ſive contigerit. Ac ipſum G. T. Milit̃ dominum T. gardianum & capitalem Iuſticiar̃ noſtrum itinerant̃, omnium & ſingulorum foreſtarum, parcorum, chacearum, & warrennarum noſtrarum prædictarum ultra Trentem prædictam exiſten̄ facimus, ordinamus & conſtituimus per præſents: dantes & concedentes eidem G. T. Militi domino T. plenam poteſtatem & authoritatem tenore præſentium, ad omnia & omnimod̃ placita, querelas, & cauſas foreſtarum, parcorum, chacearum, & warrennarum prædict̃, tam de viridi granor̃, quam de venatione, ac de aliis cauſis quibuſcunque infra eaſdem foreſtas, parcos, chaceas, & warrennas noſtras evenient̃ ſive emergen', audiend̃ & determinand̃. Damus etiam ac per preſentes, pro conſideratione prædicta, pro nobis, hæredibus, & ſucceſſoribus noſtris præfatæ Reginæ, concedimus præfato G. T. Militi domino T. præfat̃ offic' cuſtod̃ et Magiſtri de duct̃ omnium et ſingular̃ ferar̃ noſtrarum infra prædict̃ foreſt', parcos, chaceas, et warrennas ultra Trentam prædictam, et in eorum quemlibet et quamlibet exiſten', et imposterum exiſtend̃, et in eorum quemlibet et quamlibet exiſten̄, et imposterum exiſtend̃. Ac ipſum G. T. Militem dominum T. cuſtod̃ et Magiſtrum de duct' omnium et ſingularum ferarum noſtrarum infra eaſdem foreſtas, parcos, chaceas, & warrennas, et infra eorum quemlibet ſeu quamlibet, exiſten̄ et imposterum exiſtend̃ facimus, ordinamus, & conſtituimus per præſentes: Habendum, gaudend̃, exercend̃, et occupand̃ prædictum

officium

officium gardiani & capitalis Iuſticiar itinerant omnium & ſingulorum foreſtarum, parcorum, chacearum, & warrennarum prædictarum ultra Trentam prædictam. Necnon prædict officium cuſtod & Magiſtri de duct omnium & ſingularum ferarum noſtrarum infra eaſdem foreſtas, parcos, chaceas, & warrennas prædictas, & eorum quodlibet, cum omnibus juribus, proficuis, commoditatibus, & advantagiis quibuſcunque eiſdem officiis & eorum utrique, vel alicui, modo ſpectan', pertinen, incident, vel incumben, immediate poſt mortem dicti prædilecti Conſiliarii & conſanguinei noſtri F. comit S. aut poſt intereſſe ejuſdem comit, de, & in eiſdem officiis ultim recitat, complet, & expirat, vel quam cito eadem prædict ſeperalia officia ultime ſpecificat, vel eorum aliquod vel aliqua, per ſurſum redditionem vel forisfact ſeu quocunque alio modo primo & proxim vacari contigerint vel contigerit præfato G. M. Militi domino T. per ſe, vel per ſufficientem deputat ſuum, ſive deputat ſuos ſufficient, ad terminum & pro termino vitæ naturalis ipſius G. T. Militis domini T. Et ulterius ſciatis quod nos de ampliori gratia, ac ex certa ſcientia & mero motu noſtris dedimus & conceſſimus, ac per præſentes pro nobis, heredibus, & ſucceſſoribus noſtris præfat Reginæ, damus & concedimus præfato G. T. Militi domino T. pro exercitio & occupatione dictorum officiorum gardiani & capitalis Iuſtic' noſtri Itinerant omnium & ſingulorum prædictorum foreſtarum, parcorum, chacearum, & warrennarum ultra Trentam prædictam, Ac officii cuſtod & Magiſtri de duct ſerarum noſtrarum infra eaſdem foreſtas, parcos, chaceas, & warrennas, ac cæterorum præmiſſorum ultra Trentam prædictam, quandam annuitatem ſive annualem redditum centum librarum, legal' monet Angl' &c. Habend, tenend, & gaudend eandem annuitatem ſive annualem redditum præfato G. T. Militi domino T. durante vita ſua, de Theſaurario noſtro, hered & ſucceſſorum noſtrorum præfatæ Reginæ, per manus Theſaurarii Cameræ noſtræ, hered & ſucceſſorum noſtrorum præfat Reginæ pro tempore exiſten', aut per manus cuſtod Theſauri noſtri, hered, aut ſucceſſorum noſtrorum, aut per manus hujuſmodi perſon', ſive illarum perſonarum, cui vel quibus nos, hered, aut ſucceſſores noſtri præfat Reginæ officium Theſauri prædict per nomen Theſauri, aut per aliud quodcunque nomen illud dare & concedere volumus, aut aliquis hered vel ſucceſſorum noſtrorum dare & concedere voluerit, ad feſta Sancti Michael' Archang & Annunc' beatæ Mariæ Virginis, per equales porciones annuatim ſolvend: primo termino ſolutionis inde incipient ad tale feſtum feſtorum prædictorum quod primo acciderit poſt mortem dicti C. S. aut poſt ſurſum redditionem, vel forisfacturam officiorum ſuorum prædict ultime ſpecificat, una cum omnibus aliis feodis, vadis, regard, proficuis, commoditatibus, advantagiis, & emolumentis eiſdem officiis, & eorum cuilibet

bet pertinentibus, ſpectan', debit', incident', ſive conſuet' in tam amplis modo & forma, prout A.B. aut aliquis alius, ſive aliqui alii eadem officia, ſeu eorum aliquod vel aliqua habens ſive occupans, habentes ſive occupantes habuit aut percepit, habuerunt aut perceperunt pro iiſdem & eorum quolibet, abſque compoto, ſeu aliquo alio inde nobis, hered' ſeu ſucceſſoribus noſtris, dand', reddend', ſolvend', ſeu faciend'. Et ulterius damus & concedimus pro nobis, hered', & ſucceſſoribus noſtris præfat' Reginæ per preſentes præfato G. T. Militi domino T. plenam poteſtatem & authoritatem faciend', nominand', conſtituend', deputand', & aſſignand', de tempore in tempus durante vita ſua, omnes & ſingulos Subſeneſchallos, Officiarios, ac Clericos cur' Swanimotorum attachiament', ac omnes alios Clericos & miniſtros in quibuſcunque itineribus ſeu cur' noſtris de ſtatu ferarum, parcorum, chacearum, & warrennarum prædict' & eorum & earum cujuſlibet, tenend', occupand', & exercend', & eorum quemlibet, juxta diſcretionem ejuſdem G. T. Militis domini T. amovend' & expellend', alioſque in ſua vice, vel in ſuis vicibus de tempore in tempus locand', conſtituend', & ponend'. Volumus etiam & concedimus, quod virtute harum literarum noſtrarum patentium, omnes hujuſmodi Subſeneſchalli, Clerici, Officiarii, & Magiſtri, & eorum quilibet de tempore in tempus, habeat, percipiat, & gaudeat, habeant, percipiant, & gaudeant vadiis, feodis, proficuis, regardis, & advantagiis eis, & eorum cuilibet, pro exercitio ſive occupatione officiorum ſuorum vel eorum, alicujus ab antiquo ſolut' & conſuet'. Ac etiam ſciatis quod nos de uberiori gratia noſtra dedimus & conceſſimus ac per præſentes pro nobis, hered' & ſucceſſoribus noſtris præfat' Reginæ, damus & concedimus præfato G.T. Militi domino T. plenam & legitimam poteſtatem & auctoritatem, q' ipſe per totam vitam pro certis finibus ſecum fiend', & ad opus noſtrum levand', licite valeat & poſſit de tempore in tempus cuicunque & quibuſcunque ſubditis noſtris licentiam hac ſpecialem, quod ipſi & eorum quilibet licite facere valeant & valeat quaſcunque copicias, omnimod' arbor', boſcor', & ſubboſcorum noſtrorum infra prædict' foreſtas, parcos, chaceas, & warrennas, aut infra eorum aliquod creſcent'. Necnon dict' arbores, boſcos, & ſubboſcos, in hujuſmodi copiciis creſcent' ſuccidere, proſternere, & abinde cariari facere de tempore in tempus. Ita tamen quod ſucceſſiones proſtrationes, & abcaſiationes inde fiant temporibus anni congruis & opportunis, & non in menſibus vetitis, nec in exilium ferarum noſtrarum ibidem moram facere, & manere conſuet': Ad quod copiciæ hujuſmodi concludant', prout nos eſt ſecund' Aſſiſam Foreſtæ noſtræ & menſur' in eadem uſitat'. Conceſſimus etiam per præſentes eidem G. T. Militi domino T. quod dictæ licentiæ per eundem G. T. Militem ominum T. modo & form' prædict'

impoſterum

impoſterum cuicunque aut quibuſcunque ſubditis noſtris concedend', ſint adeo efficaces & validæ in lege, & tanti vigoris, prout ſi conceſſæ eſſent per nos, hæred' et ſucceſſores noſtros ſub magn' ſigillo Angliæ extra Cancellar' noſtram. Præcipimus etiam et damus per præſentes, univerſis et ſingulis Archiepiſcopis, Epiſcopis, Ducibus, Comitibus, Baronibus, Iuſticiar', Militibus, Vicecomitibus, Foreſtariis, Viridariis, Regardatoribus, Agiſtator', Woodward', et omnibus aliis Officiariis et fidelibus noſtris, tam infra libertates quam extra, tenore præſentium firmiter in mandatis, quod eidem G.T. Milit' domino T. aut deputato ſive deputatis ſuis, in omnibus & ſingulis præmiſſis faciend' et exequend' attendentes, aſſiſtentes, conſulentes, & auxiliantes ſint in omnibus prout decet. Eo quod expreſſa mentio de vero valore annuo, aut de certitudine præmiſſorum ſive eorum alicujus, aut de aliis donis ſive conceſſionibus per nos, vel per aliquem progenitor' dictæ reginæ præfat' G.T. Militi domin' T. ante hæc tempora fact' in præſentibus minim' fact' exiſtit, aut aliquo ſtat', actu, ordinatione, proviſione, ſive reſtrictione inde in contrarium fact', edit', ordinat', ſive proviſis, aut aliqua alia re, cauſa, vel materia quacunque in aliquo non obſtante. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſtibus nobis ipſis apud Weſtmonaſterium, &c.

A Grant of the Earle Marſhals office and honour, with an annuity.

Sect. 351. ELizabeth Dei gratia Angliæ, &c. Omnibus ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus irrotulamentum quarundam literarum patentium, geren' dat' apud Weſtmonaſterium ſecundo die Ianuarii, anno regni noſtri xv. præchariſſimo conſanguineo et Conſiliar' noſtro G. Comiti Salopiæ fact', et in rotulis Canſiliar' noſtr' irrotulat', in quo continetur ut ſequitur. Regina omnibus ad quos, &c. Sciatis quod nos bona laudibil' et acceptabilia ſervitia et obſequia quæ præchariſſimus conſanguineus et Conſiliar' noſtr' G. Comes S. nobis ante hæc tempora multipliciter et diverſimodo impendit, indieſque impendere non deſiſtit intimo merito contemplantes, de gratia noſtra ſpeciali, et ex certa ſcientia et mero motu noſtris dedimus et conceſſimus, ac per præſentes pro nobis, hæred', et ſucceſſoribus noſtris damus et concedimus eidem Comiti S. officium Comit' Mariſchall' Angliæ: Ac ipſum Comitem Salop' Comitem Mariſchall' Angl', creamus, ordinamus, et conſtituimus per præſentes, Et ei nomen, ſtylum, titulum, ſtatum, authoritatem, & honorem Comitis Mariſchall' Angl', una cum omnibus & ſingulis ſuis officiis, commoditatibus, emolument', præheminent', nominationibus, officiis & aliis ſuis pertinentiis quibuſcunque, tam in curiis noſtris quam alibi, eidem officio Comitat'

tat̃ Mariſchall' Angliæ qualitercunque ſpectant̃, ſive de jure ab antiquo pertinent̃, per præſentes damus & concedimus: Ac in eodem officio, ac cæteris præmiſſis eidem officio (ut præmittitur) pertinent̃ ipſum Comitem Salop̃ inveſtimus & corroboramus, in tam amplis modo, poteſtate, & authoritate, prout T. Dux. Norff. nuper de alta proditione attinct', per quã attinctur̃ prædictum officium & diſpoſitio ejuſdem ad manus noſtras devenit, & in manibus noſtris jam exiſtit: Ac in tam amplis, modo, poteſtate, & authoritate, prout Dux. T. Norff. dum vixit, avus dicti nuper Ducis, aut E. nuper Dux Somerſ. aut I. M. quondam Dux Norff. vel aliquis alius Comes Mariſchallus Angliæ ante hæc tempora officium illud habens ſive exercens, habuit ſive exercuit: Habend̃, tenend̃, exercend̃, & occupandum prædictum officium, ac omnia & ſingula authoritat̃, juriſdictiones, commoditates, & cætera præmiſſa quæcunque eidem officio qualitercunq; pertinentia, ſive de jure ſpectant̃, eidem Comiti Salopiæ pro termino vitæ ſuæ, per ſe, vel per ſufficient̃ deputatum ſuum, aut per ſufficientes deputatos ſuos, abſque compoto vel aliquo alio nobis, hæredibus, vel ſucceſſoribus noſtris pro officio prædict' & cæteris præmiſſis, ſeu eorum aliquo quoviſmodo reddend̃, ſolvend̃, vel faciend̃, Damus etiam ac per præſentes pro nobis, hæred̃, & ſucceſſoribus noſtris concedimus præfat̃ Comiti Salop̃, quod ipſe & quilibet deputatus ſuus ratione dicti officii, habeat, gerat, & deferat, tam in præſentia noſtra, hæred̃, ſucceſſorum noſtrorum, quam in abſentia noſtra, hæredum & ſucceſſorum noſtrorum, quendam baculum aureum ad utrumque finem de nigro annulat̃, & cum ſigno armorum noſtrorum, & hæredum & ſucceſſorum noſtrorum, in ſuperiore fine dicti baculi, & cum ſigno armorum dict' Comitis Salopiæ in inferiori fine ejuſdem baculi ſculpt̃ & ornat̃, licite & impune, abſque impetitione noſtra, hæredum & ſucceſſorum noſtrorum, vel Juſticiar̃ aut Officiar̃, ſeu aliorum miniſtrorum noſtrorum quorumcunque hæredum vel ſucceſſorum noſtrorum. Et quod idem Comes Salopiæ, ut Comes Mariſchallus Angliæ juxta nominis ſui decentiam hac præſenti charta noſtra confirmationis poſſit honorificentius ſe habere, dedimus & conceſſimus, ac per præſentes, pro nobis, hæredibus & ſucceſſoribus noſtris damus & concedimus, ac hac præſenti charta noſtra confirmationis præfat̃ Comiti Salop̃, pro ſtatu Comitis Mareſchallus Angl' manutenend̃ quendam annuam redditum viginti librarum. Habend̃, & annuatim percipiend̃ dict' annual' reddit̃ xx. lib̃ præfat̃ Comiti Salopiæ pro termino vitæ ſuæ prædict' de exitibus, proficuis, & reventionibus hanaperii Cancellar̃ noſtræ, hæredum & ſucceſſorum noſtrorum, provenien̄ ſive creſcen̄, per manus cuſtodiæ ſive Clerici ejuſdem hanaperii, aut aliorum occupatorum, receptorum, ve perceptorum proficuorum & exituum ejuſdem hanaperii pro tempore exiſten̄, ad feſtum Sancti Michaelis Archangeli, & Paſchæ, per æquales

porciones ſolvend' abſque computo, ſeu aliquo alio onere nobis, hæredibus, ſucceſſoribus noſtris pro præmiſſis, vel aliquo præmiſſorum, quovismodo reddend', ſolvend', vel faciend': Eo quod expreſſa &c. In cujus rei, &c. Teſte Reg. apud Weſtmonaſter &c. per breve de privato ſigillo. Nos autem tenorem irrotulamenti literarum patentium prædictarum, ad requiſitionem præfat' G. Comitis Salopiæ duximus exemplificand' per præſentes. In cujus rei &c. Teſte me ipſa apud Weſtmonaſter' quinto die M. Anni reg. noſtri xxxiiii.

A Grant for life without impeachment of waſte.

Sect. 352. SCiant &c. quod ego T. G. de N. generoſus, pro certis bonis & rationabilibus cauſis & conſiderationibus me ſpecialiter moventibus dedi, conceſſi, & per hanc chartam meam indentat' confirmavi B. S. viduæ totum illud capitale meſuagium meum cum pertinentiis in T. juxta N. in comitatu N. Habend' &c. prædict' &c. præfato B. S. & aſſignatis ſuis, pro termino vitæ ipſius B. ad ſolum opus & uſum ejuſdem B. &c. pro termino vitæ ſuæ, abſque impetitione alicujus vaſti. Ita quod immediate poſt mortem ejuſdem B. prædict' meſuagium &c. integre revertant mihi præfat' T. G. & hæred' meis imperpetuum. Tenend' de capitalibus dominis feodi, &c. In cujus rei, &c.

A Grant of a Meſuage for life.

Sect. 353. SCiant præſentes & futuri, quod ego Walterus H. de Waitam &c. R. I. &c. unum meſuagium cum curtilagio & crofto adjacent' &c. Habend' prædict' meſuag' &c. præfat' R. ad termin' vitæ ſuæ, de me, & hæred' meis, abſque impetitione vaſti. Reddend' inde annuatim mihi & hæred' meis, unam Roſam rubeam (ſi petatur) ad feſtum S. Ioh. Bapt. &c. Et faciendo ſectam curiæ meæ de W. de tribus ſeptimanis in tres, pro omnibus aliis ſervitiis, exactionibus, & demand', toties quoties dict' curia mea teneri contigerit. Et poſt deceſſum prædict' R. tunc prædict' meſuag' &c. (*ut ſupra*) Et ego vero præfat' W. & hæred' mei prædict' meſuag' cum curtilagio &c. præfat' R. ad termin' vit' ſue per ſervic' ſuperius dicta & expreſſa, contr' omnes gentes, warrantizab. tuebimur, & defendemus per preſentes. In cujus rei, &c.

The Collation of a Free chappell.

Sect. 354. REx &c. (*ut ſupra* 327.) liberam Capellam ſanct' S. apud I. in com' Minc', Habend' &c. præf. A. B. durante vita ipſius, cum omnibus ſuis juribus & pertinen' univerſis &c. In cujus &c.

A

A Grant for lives.

THis Indenture,&c. Betweene I.C.and F. C.and A. his wife,witneſ- Sect.355.
ſeth that the ſaid I.in accompliſhment of a covenant and grant con-
tained in a paire of Indentures, bearing date &c. made betwixt R. C.on
the one party, and the ſame I.C. on the other party, hath demiſed and
granted, and by theſe preſents doth demiſe and grant unto the ſaid F.
and A. all that manor of F. with the appurtenances in the ſaid County,
and all and ſingular his lands, tenements, and hereditaments with the
appurtenances in F. and B. in the ſaid County, the villeins regardant
to the ſaid Manor, and all and ſingular the boundayes and workes of the
tenants and farmers there, for the cariage of coales,allwayes forepriſed,
excepted, and reſerved unto the ſaid I. C. his heires and aſſignes. To
have and to hold the ſaid Manor of F. and all and ſingular other the pre-
miſſes (except before excepted) to the ſaid F. and A.for, and during the
naturall lives of the ſaid F.and A. and the longer liver of them. Yeeld-
ing and paying therefore yearely during the naturall life of the ſaid I.
C. unto the ſaid I.C. and his aſſignes, xx.li. of lawfull Engliſh money,
at the feaſt of &c. And if it happen the ſaid yearely rent,or any part there-
of to be behind and not payed by the ſpace of xl. dayes after either of the
ſaid feaſts, in which it ought to be payed,and the ſame being lawfully de-
manded: That then and from thenceforth it ſhall be lawfull for the ſaid
I.C. and his aſſignes to enter into the premiſſes, and not onely to di-
ſtraine for the ſaid rent, and every part thereof, ſo being arrere and un-
payed, but alſo for the ſumme of five pounds of lawfull Engliſh money
in nomine pœnæ, which they the ſaid F. and A. granteth to pay to the
ſaid I.C.and his aſſignes, ſo often as the ſame yearely rent of xx. li. or
any part thereof ſo ſhall be arrere and not paid by the ſpace of forty
dayes after the feaſt or feaſts, at which it ought to by payed. And the ſaid
F.and A.doe covenant for them &c.that the ſaid F.and A.and the longer
liver of them, ſhall during the ſaid terme of their lives, and the longer
liver of them, uphold,repaire, and maintaine the premiſſes in all man-
ner of charges. And alſo ſhall uphold, repaire, and maintaine the banke
and ſea-dike,in ſuch manner and forme, as the ſaid I.C. his heires and
aſſignes ought to have done, if theſe preſents had never beene had or
made. In witneſſe,&c.

The Kings Collation of a Prebend made causa permutationis.

Sect. 356. HEnricus &c. Sciatis quod cum A.B.Rector Ecclesiæ parochialis de W.N.diocesis,& C.D. Canonicus in Ecclesia cathedrali sancti P.L. diocesis, ac Præbendar præbend de H.in eadem Ecclesia, intend (ut asserunt) beneficia sua prædict' ad invicem permutare: Nos præbendam prædictam ad nostram donationem spectantem ratione temporalium Episcopatus Londinensis in manu nostra in p̄sen̄ existentium,præfat A. ex causa hm̄di permutationis,, dedimus & concessimus, ac per præsentes damus & concedimus,&c,Habendum, &c.

A Grant of a Parsonage by the King in pure almes.

Sect.357. REx &c. (*ut supra* 237.) dilectis nobis in Xto Decan' & Canonicis liberæ Capellæ nostr Reg.S.Georg' infra Castrum nostrum de W. advocation' & patronat vicar Ecclesiæ de N.in com̄ H.Habend &c. præfat Decan', Canonicis, & succesoribus suis imperpetuum, in puram & perpetuam eleemosinam, absque aliquo impedimento, impetitione, perturbatione,molestatione,inquietatione,seu gravamine nostr,seu hæred nostror, Justic',Eschaetor, Vicecom̄, Coron̄,aut alior ballivorū, seu ministrorum nostrorum, vel hæredum nostrorum quorumcunq; absque apporto, firm̄, compoto, vel ratiocinio, aut alio proficuo quocunq; nobis vel hæred nris inde reddend,solvend, seu faciend:Statut de terris & tenementis ad manum mortuam non ponendis edito, aut aliquo statuto, de possessionibus alienigen' fact',edito,sive proviso, in contrar non obstante. Et eo qd expressa mentio de vero valore annuo,aut de certitudine p̄missorum,seu alicujus eorundem, aut de aliis donis sive concessionibus p̄fat Canonicis,vel p̄decessoribus suis, per nos,vel progenitor nros ante hæc tempor factis,in p̄sentibus minime fact' existit: Aut aliquo statuto, actu, ordinatione,usu, constitutione, restrictione,sive provisione,edit,fact',provisis seu ordinatis, aut aliqua aliare, causa,vel materia quacunq; in contrarium non obstante. In cujus rei,&c.

A Grant of a Prebend voidby Promotion.

Sect.358. REx &c. ac intuitu charitatis,dedisse &c,dilect' scholari nostr I.L.Canonicatum in Ecclesia nostr Cathedral' Sarum, & præbendam de H. in eodem,modo per promotionem dilecti nobis in Christo R.T.dudum ac nkimi Incumbentis eorundem, ad Episcopatum N. vacantem, & ad nostram

ſtram donationem ratione ac in jure prærogativæ nr̃æ Reginæ ſpectantem. Habend̃ & tenend̃ Canonicatum & præbendam p̃dictam, p̃fat̃ I. ad terminum vitæ ipſius I. una cum omnibus & omnimodis juribus, præheminentiis, & pertin̄ univerſis. In cujus &c.

A Grant of a Warren.

REx &c. (*ut ſupra* 327.) dilecto ac fideli noſtro T.M. Militi, quod ipſe & hered̃ ſui imperpetuum habeant liberam warrennam in omnibus dominicis terr̃ ſuis de N. in com̃ E. dum tamen terr̃ illæ non ſint infra metas foreſtæ noſtr̃, ita q̃d nullus intret terras illas ad fugandū in eis, vel aliquid capiend̃ quæ ad warrennā pertineat, ſine licentia & voluntate ipſius E. vel hered̃ ſuor̃, ſub forisfactura nobis decem librarum. Quare volumus & firmiter præcipimus pro nobis & hæred̃ noſtris, quod ipſe & heredes ſui imperpetuum habeant liberam warrennam in omnibus dominicis terris ſuis de N. p̃dict', dum tamen terr̃ ill' non ſint infra metas foreſtæ noſtr̃: Ita quod nullus intret in terras illas ad fugandum in eis, vel aliquid capiend̃ quæ ad warrennam pertineat, ſine licentia & voluntat̃ ipſius T. & hæred̃ ſuorum, ſub forisfactur̃ nobis x. librarum, ſicut prædict' eſt. His teſtibus, &c. Sect. 359.

The Grant of a Prebend in a College.

HEnricus &c. Dilectis nobis I.O. Decano Collegii n̄ri Oxonienſis vulgariter nuncupati (**King Henry the eights College**) ac ejuſdem Collegii canonicis, ſalutem. Sciatis &c. (*ut ſupra* 327.) dilect' Capellano noſtro I.B. ſacr̃ Theologiæ Profeſſori, canonicatum ſive p̃bendam in Collegio n̄ro præd̃, modo per mortem I.H. ultimi incumbentis ibidem vacantem, atq; ad donationem noſtram pleno jure attinentem. Habend̃ &c. una cum hoſpicio q̃d idem I.H. ratione dicti canonicat̃ ſive prebend̃ nuper poſſidebat. Vobis igitur conjunctim & diviſim committimus & ſtricte mandamus quatenus p̃f. I.B. ad dictum canonicatum ſive præbendam, ſtatim (his literis noſtris inſpectis) admittatis, necnon eundem in realem & corporalem poſſeſſion̄ dicti canonicatus ſive præbend̃ juriumq; & p̃tin' ſuor̃ univerſor̃ inducatis prout decet. In cujus, &c. Sect. 360.

A Grant of a Faire.

REx &c. Sciatis quod nos ob ſingularem affectionem & intimam dilectionem, quas penes Reverendiſſimum in Chriſto patrem I. Archiepiſcopum Cantuarien̄ Cancellarium noſtrum gerimus & habemus de Sect. 361.

gratia &c. conceſſimus, et hac præſenti charta noſtra confirmavimus pro nobis et hered' noſtris præfat' Archiepiſcopo quod ipſe et ſucceſſores ſui in perpetuum habeant unam feriam ſive nundinas apud villam ſuam de S. in com' K. in quodam loco in communia villæ p̄d' vocat' le Wine Eccleſiæ Chriſti Cantuarienſi pertin', ſingulis ann' per tres dies durat', viz. in vigilia, in die, et craſtin' tranſlationis ſancti N. viz. nono die Maii, cum omnibus libertatibus et liberis conſuetudinibus ad hujuſmodi feriã ſive nundinas pertinent', dum tamen feriæ ſive nundin' ill' non ſint ad nocument' vicinar' feriar' ſive nundinarum. Quare volumus &c. *ut ſupra* 359. quod præd' Archiepiſcopus et ſucceſſores ſui imperpetuum habeant et teneant feriam ſive nundinas prædict' apud prædict' villam de S. in prædict' loco communi villæ predict' vocat' le Wine, ſingulis ann' per tres dies durat', videlicet, in vigillia, in die, et in craſtino tranſlationis ſancti N. dict' nono die Maii cum omnibus libertatibus et liberis conſuetudinibus, ad hujuſmodi feriam ſive nundinas pertinentibus, dum tamen feriæ ſive nundin' illæ non ſint ad nocumentum vicinar' feriar' ſive nundinarum ſicut prædictum eſt. His teſtibus &c.

A Leaſe to a ſpirituall perſon, with diſpenſation of the Statute 21. *H.* 8.

Sect. 362. REx &c. Sciatis quod nos &c. R. F. clerico, maneria, dominia, et tenementa noſtra de N. &c. Ac omnia et ſingula ædificia, domos, gardina, terras, tenementa, prata, paſcua, paſturas, boſcos, ſubboſcos ac redditus et ſervitia omnium et ſingulorum tenent', tam liberorum quam nativorum, ac tenentium per copias Rotulorum curiæ, et cæterorum tenentium cuſtomariorum, et tenentium ad terminum vit', vel ad terminos annor', ac omnes et ſingulos redditus et firmas ſuper quibuſcunque dimiſſionibus, conceſſionibus, ſive traditionibus de præmiſſis, vel eorum aliquibus factis quoviſmodo reſervatos. Et inſuper reverſiones, feoda Milit', wardas, maritag', curias, letas, viſus, francipl', et omnia quæ ad viſum francipleg' pertinent, fines, amerciament', exitus, proficua, warrennas, aquas, piſcarias, libertates, franchefias, commoditates, emolumenta, et hæreditamenta noſtra quæcunque cum ſuis pertinentiis dict' maneriis, dominiis, et tenement' de N. &c. et eorum cuilibet, ſive eorum alicui pertinen' ſive ſpectant', parcell' aut parcell' eorundem, aut eorum alicujus exiſten', aut fore reputat'. Et ulterius &c. Rectoriam noſtr' Eccleſiæ parochial' de N. &c. Habend' et tenendum omnia et ſingula prædict' maneria, &c. præfato R. et aſſignatis ſuis, pro termino et ad terminum vitæ ipſius R. tenendum de nobis &c. per &c. pro omnibus ſervic', redditibus, et demandis, quibuſcunque, &c. Ac inſuper de gratia noſtra prædict', volumus, et per

per præſentes pro nobis hered', & ſucceſſoribus noſtris licentiam, facultatemque ſpecialem præfat' R. damus & concedimus, quod idem R. & aſſignati ejus, omnia & ſingula prædict' maneria &c. & cætera præmiſſa cum ſuis pertinen' virtute & vigore harum literarum patentium habere, gaudere & teneꝛ poſſint & valeant pro term' vitæ ipſius R. erga nos, heredes & ſucceſſor' noſtros: quodam ſtatuto in anno viceſimo primo regni noſtri edito, ſpirituales ſeu eccleſiaſticas perſonas concernente atque ſpectante: per quod quidem ſtatutum ordinatum & ſtabilitum exiſtit inter alia quod null' ſpiritualis ſeu eccleſiaſtica perſona ſecularis vel regularis cujuſcunque gradus exiſtit, deinceps ad firmam recipere poſſit ſibi vel alicui perſonæ vel aliquibus perſonis ad ejus uſum, ex dimiſſione ſeu conceſſione noſtra aut alicujus ſive aliquarum aliarum perſonarum per literas patentes, indenturas, ſcripta, verba, vel quocunque alio modo, aliqua maneria, terras, tenementa, ſeu alia hereditamenta ad terminum vitæ, annorum, vel ad voluntatem, ſub pœna in eodem actu expreſſa, non obſtante: Ac quod idem R. & aſſignati ſui, omnia & ſingula maneria prædict', fundos, terras, tenementa, cæteraque premiſſ. univerſa habere, tenere, & occupare poſſit & valeat pro termin' vitæ ipſius R. abſque aliquibus primis fructibus pro præmiſſis, ſeu aliqua inde parcell' nobis hered', vel ſucceſſoribus noſtris pro eiſdem reddendis ſeu faciendis: aliquo ſtatuto &c. *ut ſupra* 357.

The Gift of a Stewardſhip and Conſtable, and Maſter of a Foreſt.

REx &c. Sciatis quod nos conſiderantes fidelitatem & induſtriam præ- Sect. 383.
dilecti & fidelis conſanguinei noſtri R. &c. ex gratia &c. conceſſimus præfato G. officia Seneſchalli ſive Seneſchalciæ Honoris noſtri de N. in comitat' D. & S. Necnon caſtr', villæ, dominii, & monerii novi Caſtri ſuper Tinam, dominiorum & maneriorum de W. &. A. ac omnium aliorum caſtrorum, dominiorum, maneriorũ, terrarum, & tenementorum noſtrorum in eiſdem Comitat', cum pertinentiis, parcell' Ducatus noſtri Lanc': ac eundem G. Seneſchallum omnium officiorum prædict' per præſentes ordinavimus, fecimus, & conſtituimus. Ac etiam conceſſimus eidem G. officium Conſtabularii caſtri noſtri de T. M. & P. magiſtrum Foreſtarum chaceæ noſtr' de R. ac Ballivum novæ libertatis nr̃æ in comitat' prædict'. Necnon Magiſtrum de ductu ferarum omnium foreſtarum, chacearum, parcorum, boſcorum, & warrennarum in Comit' prædict'. Ac etiam conceſſimus eidem G. plenam authoritatem et poteſtatem ad faciendum, nominandum & aſſignandum de tempoꝛ in tempus, omnes & omnimodos foreſtarios et cuſtodes dictarum foreſtarum, ferarum, chacearum, parcorum, et warrennarum: Ac inſuper dedimus et conceſſimus eidem G. officium

Magiſtri capitalis Seneſchalli Honoris prædict', ac cæterorum præmiſſorum omnium cum pertinenſ, Habend, occupand, & exercend, omnia prædicta officia & eorum quælibet una cum authoritate & poteſtate prædict' præfat G. per ſe vel per ſuos ſufficientes deputatos aut deputatum ſuum, pro termino vitæ ipſius G. percipiend annuatim, in, & pro officiis pd & eorum quolibet centum libr &c. una cum feodo & vadio ab antiquo debito & conſueto, tam eiſdem officiis & eorum cuilibet, quam omnibus aliis offic' occupand, p officiar fiend & nominand p pf. C. authoritate & poteſtate ſuprad, & de exitibus, proficuis & reventionibus Honoris pdict', & cæterorum præmiſſor & eor cujuſlibet provenient ſive creſcent, per manus firmarior, tenentium, receptor ſeu alior officiar & occupator ejuſdem pro tempore exiſten', ad &c. una cum omnibus & omnimodis aliis feodis, proficuis, commoditatibus, libertatibus, & emolumentis quibuſcunq officiis prædict & eorum cuilibet qualitercunque pertin, in tam amplis modo & form, prout aliqui alii, ſive aliquis alius officia prædict', ſeu eorum aliquod ante hæc tempora habuerunt ſive habuit, occupaverunt vel occupavit, ac in eiſdem & in eorum quolibet perceperunt ſive percipere debuerunt vel debuit. Eo q expreſſa mentio de vero annuo valore &c. As you ſee above, Sect. 357.

A Grant of a Stewardſhip and Surveyorſhip.

Sect. 364. PRenobilis G. Comes S. dominus Talbot, dominus Furnyval, Verdon, & Strang de Blackmere, dominus Lifftoft, &c. Omnibus ad quos hoc præſens ſcriptum pervenerit, ſalutem. Sciatis me præf. Comitem, tam pro ſincero amore & benevolentia qua jamdudum affectus ſum erga W. W. de R. in comitat Eborſ generoſ. de cujus provida circumſpectione, pia ſedulitate, ac ſingulari in hac parte prudentia merito plurim confido, quam pro ſumma illius tum in me, tum in illuſtriſſimum G. nuper Comitem S præclariſſimum patrem meum obſervantia, fide, ſtudio, officio, & pietate, ex mera & ſpontanea voluntat mea dediſſe & p præſentes conceſſiſſe eidem W. W. officium Seneſchall' ſive Seneſchalciam omnium & ſingul' domin, manerr, & hæreditamentr meor quorumcunque in ſeperal' comitatibus E. D. N. H. & B. & cuſtod ſive officium tenendi omnes & omnimodas Curr baron', letar, viſ. franc' pleg', dominior & manerior prædict', & eorum cujuſlibet ac gubernationem & ſuperviſionem eorundem. Ac ipſum W. W. generalem ac capital' Seneſchall' ac ſuperviſorem meum omnium curiar, dominiorum, maneriorum, & hæreditamentorum meorum prædict', facio, conſtituo, & ordino per præſentes. Habend, tenend, gaudend, exercend, & occupand officia præd cum pertin', una cum omnibus & ſingulis feod, vadiis, regardis, proficuis, pheminentiis, & advantagiis eiſdem officiis ſpe-

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ctañ ſive pertiñ præfat W.W. per ſe, vel per ſufficien' deputat ſuum, ſive ſufficient deputat ſuos, vel p ſufficient deputatum ſive deputatos deputati ſive deputator ſuorum pro quorum factis mihi reſpondere velit, à dat præſent durante &c. Mando inſup univerſis & ſingulis ballivis, præpoſit, firmariis, tenentibus & occupatoribus meis p̃miſſor & eor cuilibet, q̃ p̃f. W.W. & deputatis ſuis p̃d in hac part de tempore in tempus aſſiſtentes ſint, obedient, & auxiliantes in omnibus, prout decet durant termino p̃d. In cujus rei teſtimon' huic p̃ſent ſcripto meo ſigill' meum appoſui, dat 23. die D. anno regni dom noſtræ Eliz. Dei gratia Angl', Franc' & Hibern' reginæ fidei defenſor &c. triceſimo tertio, 1592.

A Grant of an Ideot or Lunatike.

REx &c. Sciatis quod cum T.P. filius & hæres H.P. nuper de F. in comitat F. fatuus & Ideot exiſtit à nativitate ſua, & ea ratione ſui ipſius, ac terr, tenementor, bonorum & catallor ſuorũ regimine vacat & caret, prout coram nobis per teſtimonium fide dignorum probat exiſtit. Nos vero ex &c. volentes eidem T. de vitæ neceſſariis & corporis ſui cuſtod ſecur providere, Dedimus & conceſſimus, ac per præſentes damus & concedimus dilecto nobis in Chriſto H.I. militi pro corpore noſtro cuſtodiam ipſius T. ac omnium terrar & tenementorum, reddituum & ſervitiorũ cum pertinentiis, quæ nuper fuerunt p̃d H.P. & quæ, tam per finem poſt mortem ejuſdem H. quam ratione fatuitatis & Ideotatis dicti T. ad manus noſtras devenerunt, ſeu devenire debuerunt aut debent. Habend, gaudend, tenend, & occupand cuſtodiam corporis dicti T. ac omnium manerior, terrarum, tenementorum, & aliorum præmiſſorum &c. p̃f. H.I. hæred & aſſignat ſuis pro term vit natural' dicti T.P. abſque aliquo compoto ſeu aliquo alio nobis vel hæred noſtris inde reddend vel faciend: Proviſo ſemp quod dict' H.I. hæred & aſſignat ſui de exitibus manerior, terrarum, tenemtorum, & cæterorum p̃miſſor, inveniat p̃d T. victualia, & omnia vitæ ſuæ neceſſaria, prout decet in tali caſu, & quod terra & tenemta &c. p̃dict' manuteneant ſine vaſto vel deſtruction'. Eo q̃d expreſſa mentio de vero annuo valore &c. *ut ſupra* 357. Sect. 365.

A Grant of the office of one of the Auditors of the Exchequer.

REx &c. *ut ſupra* 327. In conſideratione boni & fidelis ſervit quod dilect ſerviens noſter G.D. nobis impendit, & impoſterum impendet, dedimus & conceſſimus, ac per præſentes damus & concedim eidem C. officium unius Auditor Scaccarii noſtri, quæ R.S. nuper habuit & occupavit, &c. Sect. 366.

& in manibus noſtris nunc exiſtit. Habend' & tenend' ꝑd officium præfat G. quamdiu ſe bene geſſerit in eodem per ſe vel per ſufficientem deputat ſuum, cum feod & vad' eidem officio ab antiquo debit & conſuetis, una cum aliis proficuis, commoditat, & advantagiis eidem officio pertinent ſive ſpectan', in tam amplis modo & forma, prout H.F. aut R.S. ſive aliquis alius, ſive aliqui alii ante hæc tempora habuit, ꝓcepit, habuerunt ſeu ꝓceperunt. Eo ꝙ expreſſa mentio &c. *ut ſupra* 357.

A Grant of an Auditorſhip.

Sect. 367. OMnibus &c. S. Epiſcopus W. Sciatis nos feciſſe, ordinaſſe, conſtituiſſe, & aſſignaſſe R.R. Auditorem noſtrum ad omnia & ſingula compot omnium receptorum & præpoſitor Ballivorum, firmariorum & aliorum quorumcunq; miniſtror omnium & ſingulorum dominior, manerior, terr & tenementor nobis computabil' exiſtent infra regnum Angliæ, audiend', & terminand': Necnon ad omnia & ſingula q̃ natura compot exigit & requirit faciend & exequend. Habend, tenend', exercend' & occupandum officium prædict' pro tempore vitæ ſuæ, per ſe vel per deputatum ſuum: percipiend' de nobis & ſucceſſoribus noſtris pro prædict' officio exercend', occupand', & exequend, pro feodo ſuo annuatim quinque libras, & pro papiro &c. pro rotulis compotor ſuperſcrib. decem ſolidos de exit, proficuis & revent dominiorum, maneriorum, terrarum, & tenementorum noſtrorum prædict' per manus recept, ballivor, ꝓpoſitorum & firmariorum noſtrorum pro tempore exiſtent. Et etiam damus & concedimus ꝓ præſentes præfat R.R. ſeu ejus in hac parte deputat' qui in hmodi officio ſuo exercendo occupat' fuerit in eund, equitand', ſive redeund, viz. quovis die decem denarios pro ſeipſo, ac pro quolibet ſerviente ipſius R. ſeu ejus deputat ꝓ diem decem denarios, mandantes firmiter omnibus & ſingulis officiariis & miniſtris noſtr. ꝑd, ꝙ &c. *ut ſupra* 374.

A Grant of the keeping of an Ideot with his lands &c.

Sect. 368. THis Indenture made &c. Betweene the right honourable Sir W.C. knight, Lord B. Lord Treaſurer of England, and Maſter of the Queenes Majeſties Court of Wards and Liveries, and R.B. Eſquire, Surveyor of the ſame Liveries, for and in the name and behalfe of our ſaid Soveraigne Lady the Queene, on the one party, and G.P. brother and next heire of I.P. ideot deceaſed on the other party; Witneſſeth, that where our ſaid Soveraigne Lady is agreed to grant unto the ſaid G. an Ouſter le maine to be had, of, and in certaine Lands and Tene-

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ments holden of our ſaid Soveraigne Lady the Queene, as of her Graces Caſtle of L. parcell of her D. of L. by fealty and rent, which to the ſaid G. deſcended and came in uſe, poſſeſſion or reverſion from the ſaid J. P. as brother and heire of the ſaid J. P. ideot, as in the ſaid Ouſter le maine more plainly is contained. Yet for that our ſaid Soveraigne Lady ſhould not be deceived, but that her Grace ſhould have perfect knowledge and underſtanding of the true value of the ſaid Lands and Tenements, and all other Hereditaments: The ſaid G. hath delivered the day of the date herof unto the ſaid W. L. B. Lord Treaſurer of E. and R. B. a writing in parchment indented hereunto annexed, wherein be contained and ſpecified all the Lands and Tenements and the true yearely value of the ſame which the ſaid G. willeth or intendeth to have or ſhall have out of the Queenes Majeſties hands or poſſeſſion by the ſaid Ouſter le maine. And over that, the ſaid G. P. covenanteth, &c. to, and with, &c. that one Auditor or Auditors by our ſaid Soveraigne Lady to be aſſigned, or any Auditor to the Queenes Majeſties Court of Wards and Liveries for the time being, ſhall at the coſts and charges of the ſaid G. and at ſuch time as it ſhall pleaſe our ſaid Soveraigne Lady, her Heirs and Succeſſors Kings of this Realme, to appoint by the ſaid Maſter of her Highneſſe Court of Wards and Liveries, and Surveyor of the ſame Liveries for the time being, or otherwiſe, to ſearch, ſurvey, and view as well the true value as the tenure and tenures of the ſame: upon which ſearch and view, if it can be proved that any Manors, Lands, Tenements, and other Hereditaments, whereof the ſaid G. or any other perſon or perſons for him, in his name, or by his conſent taketh or hereafter ſhall or may lawfully take any advantage, benefit, profit or commodity, by reaſon or meanes of the ſaid Ouſter le maine be holden of the ſaid Soveraigne Lady by Knights ſervice in chiefe, or otherwiſe in ſocage in chiefe, and be of more better and larger yearly value, then in the ſame writing is contained: then our ſaid Soveraigne Lady ſhall be by the ſaid G. P. his &c. truly anſwered and ſatisfied as well for the tenure as for the pearely value, of all ſuch Lands and Tenements, as ſhall happen to be undervalued and omitted out of the ſame writing. And alſo for the concealment and offence in that behalfe, the ſaid G. ſhall content and pay unto our ſaid Soveraigne Lady into her Graces Court of Wards and Liveries, the double of one yeares value of all the Lands and Tenements ſo omitted or under-valued. And alſo our ſaid Soveraigne Lady ſhall and may perceive and take the whole iſſues and profits of the lands and tenements ſo omitted and under-valued, untill the ſaid G. or his aſſignes ſhall have agreed, to and with the ſaid W. Lord B. &c. and R. B. &c. or other

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the Maſters of the Queens Court of Wards and Liveries and ſurveyor of the ſame Liveries for the time being, for the ſaid value and overplus of the lands, tenements, and hereditaments ſo omitted or undervalued, and ſhall finde ſufficient ſureties for the payment thereof to the Queenes Majeſties uſe. And alſo all ſuch other ſummes of money as by the agreement of the ſaid Maſter of the Queenes Court of Wards and Liveries and Surveyor of the ſame Liveries ſhall be tared, aſſigned or appointed, any thing herein contained to the contrary notwithſtanding. In witneſſe whereof to the one part of theſe Indentures remaining to and with the ſaid G. The ſaid W. &c. and R. B. have ſet their hands and ſeales: And to the other part of theſe Indentures remaining to the Qu. Majeſties uſe in the ſaid Court of Wards and Liveries, the ſaid G. P. hath ſet his hand and ſeale die & anno ſupra ſcriptis.

Valor ſive extentus annui valoris omnium & ſingulorum maneriorum, terrarum, tenementorum & cæterorum hæreditamentorum quorumcunq; nuper I. P. fatui & Ideot defunct', & in cuſtodia dominæ Eliz. nunc Reginæ ratione fatuitat ſuæ tempor mortis ſuæ & quæ per ſive poſt mortem ejuſdem I. cuidam G. P. fratri & hæred ſuo deſcenderunt & deſcendere debent, in uſu, poſſeſſione, & reverſione. Qui quidem I. P. obiit &c. dicto G. adtunc plenæ ætatis, ſcilicet xxi. annorum decimo nono &c. prout per inquiſitionem inde capt apud N. in comitatu N. primo die &c, plenius poterit apparere. Et modo viz. ultimo die N. anno &c, idem G. P. venit ad proſequend ſuum **Guster le maine** extra manus dictæ dom Reg' de omnibus præmiſſ. ſubſcript ſecundum communes leges hujus regni Angl æ.

Com' Nott' { Manerium de H. cum pertiñ & alia terr, tenementa, hæreditamenta in H. & C. cum pertiñ, tenen de Archiepiſcopo Ebor, ut de manerio ſuo de G. in dicto comitatu N. in ſocagio, p fidelitatem & reddit xx.s.iiii.d'. per annum pro omnibus ſervitiis: valet clare per annum. } vii.li. v.s.

A Grant of the Tuition and Government of a Lunatike.

Sect. 369. THis Indenture made betweene the moſt excellent Princeſſe, and our moſt dread Soveraigne Lady Elizabeth by the grace of God Queene &c. on the one party, and W. G. Gentleman on the other party Witneſſeth, that where our ſaid Soveraigne Lady, with the advice of the

the Maſter and Counce'l of her Graces Court of Wards and Liveries, is contented and pleaſed to grant, and by theſe preſents doth commit and grant unto the ſaid W. G. the cuſtody, rule, order, and tuition of W. R. being a foole naturall, and Lunaticke, not able to governe himſelfe, his meſuages, lands, tenements, goods, nor cattels, as by an office thereof found at C. in the County of C. the 26. day of October in the viii. yeare of our Soveraigne, &c. more at large appeareth. And whereas alſo our ſaid Soveraigne Lady hath covenanted and granted, and by theſe preſents covenanteth and granteth unto the ſaid W. G. as well the cuſtody, rule, order, occupation, diſpoſition, and receipt of all the meſuages, lands, tenements, and hereditaments, and of the rents, revenues, iſſues and profits thereof, which the ſaid W. R. or any other perſon or perſons to his uſe, now hath, or ought to have in poſſeſſion or reverſion, or which by any lawfull wayes or meanes, may or ought to come, deſcend or grow, unto the ſaid W. R. And alſo the cuſtody, rule, order, and receipt of all the goods, cattels, farmes, ſtockes, ſtores, plate, money, debts, jewels, wares, merchandiſes, and other commodities and profits whatſoever to the ſaid W. R. in any wiſe belonging or pertaining, and the uſe and merchandizing of the ſame, to the behoofe, profit and commodity of the ſaid W. R. and the reliefe and ſuſtentation and finding of his wife, children, and family, if any be, and alſo for the preſervation, ſafegard and reparations of the ſaid meſuages, lands, tenements, houſes, farmes, houſhold-ſtuffe, ready mony, and other commodities, during the life of the ſaid W. R. The ſaid W. G. for the better and more true adminiſtration, accompliſhment, and performance of the conditions and duties by order of law incident and belonging to the ſaid cuſtody, hath delivered a writting indented here unto annexed, in which beene contained and eſpecified all the meſuages, lands, tenements, rents, reverſions, and the particular values of them, and every of them, and alſo all the farmes, ſtockes, wares, goods, cattels, mony, plate, jewels, houſhold ſtuffe, implements, debts, and other commodities, duties, and profits whatſoever, to the ſaid W. R. now appertaining or belonging, or which in any wiſe ought of right to appertaine or belong to him: which writting indented, the ſaid W. G. covenanteth to be true, and a perfect declaration of all the meſuages, lands, tenements, rents, reverſions, ſervices, hereditaments, farmes, ſtockes, wares, goods, cattels, ready money, and other the premiſſes without omiſſion of them or any of them. And and the ſaid W. G. covenanteth & granteth for him and his aſſignes by theſe preſents, that the rents, revenues, iſſues, profits, and increaſe, of the ſaid meſuages, lands, tenements, ſtockes, wares, goods, cattels, ready money, and other the premiſſes, as far forth as the ſame will extend and reach, and as far

forth

forth as shall be needfull, requisite and convenient, shall daily from time to time during the said custody be imployed, converted and disposed upon the finding and sustentation of the said W. R. his wife, children and family (if any be) with honest and convenient meat, drinke, and apparell, lodging, regards, and necessaries. And that the said W. G. and his assignes so far forth as in him and them lieth, shall honestly intreat, order, and maintaine the said W. R. according to his degree, estimation, substance, and possession, as to the Queenes Honour and his duty in that behalfe doth appertaine. And the said W. G. covenanteth and granteth for him and his Assignes by these presents, that he with the said rents, profits, and increase, as far forth as the same will extend or reach, and so far forth as the same shall be necessary, shall make all manner of necessary and needfull reparations, in and upon the said messuages, lands, tenements, and other hereditaments, and in and upon the building, in such manner and sort, as hereafter no waste, spoile, decay, or disorder be found by the default of the said W. G. or any other by his meanes or procurement, and if any decay be at this time, in convenient and reasonable time to cause the same to be amended and repaired. And the said W. G. covenanteth and granteth for him and his Assignes by these presents, that they shall not doe nor suffer to be done any strepe, waste or spoile of woods of the said messuages, land, tenements, and hereditaments, or any part thereof, nor willingly decay any rent or service belonging to the same, or expell or put out any tenant, holding any part or parcell of the premises, nor take any fines of them, or any of them, without the knowledge or agreement of the said Master and Councell for the time being. And if at any time hereafter, any strepe, waste, spoile, or disorder be done, or incrochment of land made in the prejudice of the Inheritance of the said W. R. or his Heires, that then the said W. G. and his assignes, as much as in him or them lieth, shall save and defend the same, and for lacke of power and sufficient authority so to doe, shall with convenient speed and expedition certifie the same to the said Master and Councell for the same, and receive and prosecute forth their order for reformation thereof, to, and for the advancement of the Queenes Majesties interest and right, and for the preservation, safegard, and tuition of the inheritance, right, and title of the said W. R. And the said W. G. covenanteth and granteth for him and his assignes by these presents, that he the said W. G. or his Assignes, in Trinity terme next comming shall bring his part of these Indentures, to the Auditor generall of the Queenes Majesties said Court of Wards and Liveries, to have the same there inrolled, and shall make a true and perfect accompt before the said Auditor of the rents, revenues, profits, and increase

creaſe of the ſaid meſnages, lands, tenements, and other the premiſſes, and ſhall ſtand to the order and direction of the ſaid Maſter and Councell, as well for all manner of accompts, payments, receipts, demands, and other matters, as for the cuſtody, order, and diſpoſition of as much thereof as ſhall be found in the accompt to remaine in his hands, above all repriſes and deductions, ſo that by the ſaid Maſter and Councell the ſame may be employed and beſtowed to the moſt utility and profit of the ſaid W. R. and his heires, and ſo from time to time to make like accompt, and abide like order whenſoever he by the ſaid Maſter and Councell ſhall be called to the ſame. And the ſaid W. G. covenanteth and granteth for him and his heires, by theſe preſents, that he the ſaid W. G. and his aſſignes, ſhall at all times hereafter, not onely permit and ſuffer the ſaid Maſter and Councell, or any other by their authority, to ſurvey the eſtate and uſage of the ſaid meſnages, lands, tenements, & other the premiſſes, but alſo pay the charges of the ſame ſurvey out of the ſaid rents and profits, and ſhall from time to time perform and fulfill the direction of the ſaid Maſter and Councell, for and concerning the redreſſe and reformation of all diſorders found upon the ſaid ſurvey. And if it fortune the ſaid meſnages, lands, tenements, and hereditaments, or any part of them, by any ſuch ſurvey to be found of better or more yearly value or rent, then is before expreſſed in the ſaid writing indented, or that any part of them, or any other lands which the ſaid W. R. ought to enjoy, be omitted in the ſame writing indented: then the ſaid W. G. and his aſſignes, ſhall truly accompt for the overplus of the rents and profits ſo under valued and omitted, and the arrerages thereof, and ſhall ſtand to, and accompliſh ſuch order and direction of the ſaid Maſter and Councell, for the paying, imploying and beſtowing of the ſaid rents, and the arrerages thereof, as to the ſaid Maſter and Councell ſhall ſeeme expedient. And the ſaid W. G. covenanteth and granteth for him and his aſſignes by theſe preſents, that neither the ſaid W. G. or his aſſignes, ſhall give, grant, covenant, bargaine or ſell the cuſtody of the ſaid R. W. nor his intereſt in the ſame by vertue hereof, to any perſon or perſons, without the knowledge and agreement of the ſaid Maſter and Councell for the time being. And it is provided in the behalfe of the Kn. Majeſty, by the ſaid Maſter & Councell, that if at any time hereafter it fortune the ſaid covenants, conditions, grants or agreements, or any clauſe or article before mentioned, which are to be kept on the part and behalfe of the ſaid W. G. and his aſſignes, to be broken & unkept, and not reformed within 2. moneths next after lawfull warning to him or the thereof given, that then this preſent grant to be void & of none effect. And immediately upon ſuch default, it ſhalbe lawfull to the ſaid Maſter and Councell, not only to ſequeſter and take

take the said custody into the M. Majesties gift, and order, and the same to commit and dispose to any other person or persons, during the lunacie of the said W. R. but also to distraine the goods and chattels of the said W. G. and his assignes, and the same to drive, lead, and carry away, withhold, bargaine, and sell, to the use of the Queenes Majesty, untill her Highnesse be fully answered and paid, for the damage sustained by breaking of any of the said covenants in these present Indentures contained: any thing before mentioned to the contrary notwithstanding. In witnesse &c.

A Grant of the tuition of a Lunatike, his family, lands, and goods.

Sect. 370. THis Indenture &c. *ut in Sect'* 369. and T. W. N. D. W. S. and G. Y. Esquires of the other party, Witnesseth, that where our Soveraigne Lady, by inquisition taken at A. in the County of P. the 17. day of June, in the second yeare of her noble raigne, before A. B. Escheator of the said County, by vertue of the Queenes Majesties writ to him directed, to inquire of T. W. Esquire, and by her Highnesse prerogative royall is intitled to the custody of the said T. W. and to provide for the estate of him, his wife, children, manors, lands, tenements, and hereditaments, goods and chattels, according to the said prerogative, and the lawes and statutes of the Realme in that case provided, and is contented and pleased, to grant and to commit unto the said T. W. N. D. W. S. and G. Y. as well the custody, rule, order, tuition, and governance of the said T. W. being by the said Inquisition found to be a Lunatike, and imperfect of minde and memory, not able to governe himselfe, his wife, children and family, manors, lands, goods, & chattels, as also the custody, rule, tuition, use, occupation, receipt and disposition of all the manors, lands, and hereditaments, farmes, stockes, stores, goods, cattels, money, plate, houshold stuffe, and other commodities and possessions whatsoever they be which the said T. W. now hath, or by any meanes may or ought lawfully to have, to the use, profit and commodity of the said T. W. and his heires: To have and to hold the same to the said T. N. W. and G. during the Queenes Majesties will and pleasure. And therefore the said T. N. W. and G. for the better performance of the covenants and conditions incident and belonging to them that have the custody committed unto them, have delivered a writing indented hereunto annered, in the which beene contained and specified all the manors, lands, tenements and hereditaments, being of the Inheritance of the said T. W. in possession and reversion, and also all goods and cattels of the said T. W. which writing

writing indented the said T. M. W. and G. by these presents covenant and grant to be a full and perfect declaration of all the manors, lands, and hereditaments, goods and chattels, without omission or concealement of any part of them. And the said T. M. W. and G. covenant and grant for them and their assignes, that the rents, revenues, and profits and increase of the said manors, lands, and hereditaments, goods and chattels, as far forth as the time will extend and reach, and as far forth as shall be needfull, necessary, requisite, or convenient, shall from time to time during the said custody be imployed, converted and bestowed upon the finding and sustentation of the said T. W. his wife, children, and family, with honest and convenient meate, drinke, apparell, lodging, regards and necessaries: And that the said T. M. W. and G. and their assignes, so far forth as in them lyeth, shall honestly intreat, order and maintaine the said T. W. according to his degree, estimation, substance and possessions, in such sort, as to the Queenes honour and their duty in that behalfe appertaineth. And the said T. M. W. and G. doe covenant and grant by these presents, that with the said rents, profits, and increase, as far forth as the same will extend, and so far forth as the same shall be necessary to the said T. M. W. and G. and their assignes, shall make all manner of needfull and necessary reparations, in, and upon the said manors, lands, and other the premisses, and in and upon all the buildings of the same, in such manner and sort, as hereafter no waste, spoile, or disorder be found by the default of the said T. M. W. and G. or any other by their meanes or procurement: And if the decay be at this present, in convenient and reasonable time to cause the same to be amended and repaired. And the said T. M. W. and G. doe covenant and grant by these presents, that they shall not doe or suffer to be done any strepe, waste, or spoile of woods upon the said Manors, Lands, and Hereditaments, nor wittingly decay any rent or service belonging to the same, nor expell or put out any tenant or tenants, holding any part of the premisses, nor take leases of them, nor cut downe any timber upon the premisses, without knowledge and agreement of the said Master and Councell for the time being. And if at any time hereafter, any strepe, waste, spoil, or disorder or incrochment of land be made to the prejudice of the inheritance of the said T. W. or his heires: that then the said T. M. W. and G. as much as in them lyeth, shall withstand and defend the same, and for lacke of power to doe, shall with convenient expedition after knowledge thereof had, certifie the same unto the said Master and Councell for the time being, and receive and prosecute forth their order, untill sufficient redresse be therein had, to, and for the advancement of the Queenes Majesties interest and right, and for the safegard of the inheritance, rights and titles

of the said T. W. and his heires. And the said T. N W. and G. doe covenant and grant for them and their assignes by these presents, that they the same T. N. W. and G. by themselves or their sufficient deputies, in Michaelmas Terme next comming shall bring their part of these Indentures to the Auditor generall of the Queenes Majesties Court of Wards and Liveries to have the same inrolled & shall make a true and perfect accompt before the same Auditor, of the rents, revenues, and profits, and increase of the said manors, lands, and hereditaments, goods, and chattels and shall stand to the order and direction of the said Master and Councell, as well for all manner accompts, payments, receipts, demands, and other matters as also for the custody, order, and disposition of as much thereof as shall be found in the same accompt to remaine, or which lawfully ought to remaine in their hands, above all reprises and deductions, so that by the advice of the Master and Councell, the same may be imployed and bestowed to the most utility and profit of the said T. W. and his heires, and so from time to time make like accompt, and abide like orders whensoever by the same Master and Councell he shall be called to the same. And the said T. N. W. and G. doe covenant and grant for them and their assignes by these presents, that they the said T. N. W. and G. and their assignes, shall at all times not onely permit and suffer the said Master and Councell or any other by them authorized, to survey the state of the said manors, lands, hereditaments, goods and chattels, but also pay the arrerages of the said survey out of the said rents and profits, and shall from time to time performe and fulfill the directions of the said Master and Councell, for and concerning the redresse and reformation of all disorders found upon the same survey. And if it fortune the said manors, lands, and hereditaments, or any part of them, by any such survey to be found of better and more yeerely rent, then is before expressed in the same writing indented, or that any part of them, or any other lands, goods, or chattels, which the said T. W. ought to enjoy, be omitted in the same writing indented: then the said T. N. W. and G. and their assignes, shall yeeld accompt of the overplus of the rents and profits so under-valued and omitted and of the arrerages thereof, and shall stand to and accomplish such order and direction of the said Master and Councell, for the payment, imploying and bestowing of the said rents and profits, and the arrerages thereof, as to the said Master and Councell shall be thought expedient. And the said T. N. W. and G. doe covenant and grant, for them and their assignes by these presents, that they the said T. N. W. and G. and their assignes during the said custody, shall from time to time cause the Courts heretofore used and had upon the said manors to be yearely kept, and the Court rolles ingrossed and surely laid up to-

ther,

ther, with all other evidences, recoꝛds and wꝛittings, which the ſaid T. M. W. and G. oꝛ their aſſignes may lawfully come by, concerning the title of the inheritance of the ſaid T. W. ſo that they and every of them may ſafely come to him and be delivered unto him, if at any time hereafter he ſhall happen to recover his underſtanding and memoꝛy, oꝛ after his death to his heires, without concealement, imbeſilling oꝛ withdꝛawing of the ſaid evidences oꝛ any part of them to the knowledge of the ſaid T. M. W. and G. oꝛ any other by their meanes, knowledge, oꝛ pꝛocurement. And moreover, the ſaid T. M. W. and G. oꝛ their aſſignes, ſhall not doe oꝛ ſuffer to be done unto their knowledge, any thing oꝛ act that may be to his hurt, incumbꝛance, and impairement of the inheritance of the ſaid T. W. oꝛ his heires. And the ſaid T. M. W. and G. do covenant and grant by theſe pꝛeſents, that they ſhall not at any time hereafter give, grant, commit, bargaine, and ſell the cuſtody of the ſaid T. W. oꝛ their intereſt in the ſame by vertue hereof unto any perſon oꝛ perſons, without knowledge and agreement of the ſaid Maſter and Councell foꝛ the time being. And the ſaid T. M. W. and G. doe covenant foꝛ them and their aſſignes by theſe pꝛeſents, that if at any time hereafter during the ſaid cuſtody, any ward, benefice oꝛ ſpiritual pꝛomotion happen to fall hold oꝛ grow upon the ſame manoꝛs and other the pꝛemiſſes, oꝛ any part of them: That then the ſaid T. M. W. and G. and their aſſignes, immediately after knowledg thereof to them given ſhall certifie the ſame to the ſaid Maſter and Councell foꝛ the time being, ſo that they may know the Queenes Majeſties pleaſure foꝛ her Highneſſe gift, and confirmation of the ſame. And it is pꝛovided on the behalfe of the Queens Majeſty, by the ſaid Maſter and Councell, that if at any time hereafter it foꝛſame the ſaid covenants, conditions oꝛ agreements, oꝛ any clauſe oꝛ article before mentioned, which are to be kept on the part and behoofe of the ſaid T. M. W. and G. oꝛ their aſſignes, to be bꝛoken, unkept, and not reformed within two moneths then next after lawfull warning thereof given: That then this pꝛeſent grant to be void and of none effect. And that immediatly upon ſuch default it ſhall be lawfull to the ſaid Maſter and Councell, not only to ſequeſter and take the ſaid cuſtody into the Queenes Majeſt. gift and oꝛder, and the ſame commit and diſpoſe to any other perſon oꝛ perſons during the lunacy of the ſaid T. W. but alſo to diſtraine the goods and chattels of the ſaid T. M. W. and G. and their aſſignes, and the ſame to withhold, bargaine and ſell to the uſe of the Queenes Majeſty, untill her Highneſſe be fully anſwered and paied of the value of the damage ſuſtained by the bꝛeaking of the ſaid coꝛenants: any thing in this Indenture contained to the contrary notwithſtanding. In witneſſe &c. *ut ſupra* Sect. 330.

A Grant of a Parkerſhip.

Sect. 371. E.N. Miles, dominus de B. Omnibus & c. Noveritis me præfat̃ E. dediſſe, & per præſentes conceſſiſſe dilecto ſervient̃ meo R.C. cuſtod̃ ſive officium cuſtod̃ Parci mei de E. in comit̃ E. necnon feciſſe & conſtituiſſe eundem R. parcar̃ meum parci mei prædict'. Habendum &c. dictam cuſtod̃ ſive offic' per ſe vel per ſufficient̃ deputatum ſuum pro quo mihi reſpond̃ voluerit, durante vita ejuſdem R. cum vad̃ trium denar̃ per quemlibet diem annuatim durante vita ſua, percipiend̃ per manus receptor̃, ball', firmar̃, ſeu alterius occupatoũ ejuſdem dominii ſive manerii mei de E. prædict' qui pro tẽpore fuerit annuatim durante vita dicti R. de reddit' & profic' ejuſdem domiñ ſive maner̃ cum pertinentiis ad feſta &c. per equales portiones: Ac unam robam de ſecta valectorum meorum erga feſtum Natalis domiñ, quando ego & hæred̃ mei liberatas hujuſmodi dederimus. Et ſi contingat &c. *ut in aliis diſtrictionibus.* Diſtrictioneſque ſic capt̃ licite aſportare, abducere, fugare, & penes ſe retinere: quouſque de vadiis prædictis & de omnibus arrerag' eorundem ſi quæ fuerunt, ſibi plenarie ſit ſatisfact' & perſolut̃. Quare Recept̃. ball', firmar̃, ac alii occupator̃ cuicunque domiñ ſive manerii mei de E. prædict' præſent̃, & futur̃ mando & præcipio quod de exit̃, reddit̃, firmis & proficuis dominii ſive manerii mei prædict' cum pertinentiis ſolvat ſeu ſolvi faciat præfat̃ R.C. aut aſſignatis ſuis dict' vad̃ trium denar̃ pro quolibet die ad feſta prædict' æquis portionibus de anno in annum, & termiñ in term̃ vita prædict' R. durant̃. Inſuper noveritis me præfat̃ E. dediſſe, & per præſentes conceſſiſſe præfat̃ R. C. paſtur̃ ad unum equum & quinque vaccas infra parcum prædict' durant̃ vita depaſcend̃. Habend̃ eidem R. vita ſua durant̃, cum liberis introitu & exitu, ad fugationem & refugationem eorundem abſq; contradictione aliquali: Ita tamen q̃ idem R.C. officium p̃d̃ bene & fideliter cuſtodiat & exerceat per ſe, ſeu p̃ ſufficient̃ deputatum ſnum exerceri faciat durante &c. de cujus facto reſpondebit &c. In cujus rei &c.

A Grant of the office of keeping of a Parke with fee.

Sect. 372. Omnibus &c. Noverit univerſitas veſtra nos intuitu boni obſequii dilecti ſervientis noſtri R.B. hactenus nobis in Eccleſia noſtra cathedrali Norviceñ fideliter impenſ. p̃ præſens ſcript̃ conceſſiſſe idem R. cuſtodiam parci noſtri de H. ad totam vitam ipſius R. poſſidend̃, p̃cipiend̃ annuatim de maner̃ noſtro de H. ad totam vitam ipſius R. per manus receptoris ſeu præpoſiti manerii prædict' qui pro tempore fuerit duos denarios per diem una cum roba de ſecta valectorum noſtrorum, erga feſtum Natalis

Natalis Domini, quando nos & ſucceſſores noſtri liberat̃ hm̃odi dederimus. Et nos præfat̃ W. Epiſcop̃, volumus & p̃ p̃ſens ſcriptum pro nobis & ſucceſſoribus noſtris concedimus, quod ſi dictus annuus reddit̃ a retro &c. *ut in diſtrictionibus.* Ita tamen quod idem R. officium p̃d̃ bene & fideliter cuſtodiat & exerceat, ſeu per ſuum deputatum exerceri faciat durante termino p̃dicto, In cujus rei teſtimonium &c. Datum apud &c. Anno Domini 1592, anno conſecrat̃ noſtræ decimo quarto.

A Grant for keeping of a Manor, Parke and Lodge.

I. W. Earle of D. Lord S. &c. To all Chriſtian people to whom this preſent writing commeth, greeting in our Lord God &c. Whereas I. late Earle of D. mine Anceſtor, whoſe coſin and heire I am, by his letters Patents, dated &c. gave and granted unto I. W. the maſterſhip and office of the keeping of the game of his Parke of L. in the County of S. and of the Lodge within the ſame, and the Bayliwicke or Bayliſhip of all his manor of &c. And alſo by his ſaid letters Patents, made, conſtituted, granted and ordained the ſaid I. W. to bee his officer and keeper of the ſaid parke and lodge, to have, occupy and injoy the ſaid office of Keeper, and Lodge, to the foreſaid I. W. and to his aſſignes for terme of his life, by himſelfe or his ſufficient deputy or deputies, with all manner of fees, wages, profits, and commodities to the ſaid office due or appertaining, in as large and ample manner, as any perſon or perſons before that time had, occupied, enjoyed, or perceived the ſame. Know ye, that I the ſaid I. W. now Earle of D. for divers conſiderations me moving, have given and granted, and by this my preſent writing doe give and grant to my welbeloved friend T. P. Gentleman, the keeping of the manor of L. and of the ſaid Parke, and of the Meere now therein, or that hereafter at any time ſhall be, immediately after the death of the ſaid I. W. & as ſoone as the ſaid office, which the above named I. W. doth now enjoy, ſhall happen to be void by the ſurrender of the ſaid I. W. or by any other lawfull wayes or meanes: And the ſame T. P. doe ordaine, make and conſtitute by theſe preſents, to bee Keeper of the ſame manor, parke, lodge and deere, whenſoever it ſhall firſt happen to be void, as is afore rehearſed. And furthermore know yee, that I the foreſaid I. W. Earle of D. doe give and grant unto the aforeſaid T. P. for his exerciſing and occupying of the ſaid office, the yearely fee and wages of &c. immediately after the death of the ſaid I. W. with all profits, fees, wages, rewards, advantages and commodities to the ſame office in any wiſe due and appertaining, in as ample manner and forme, as

Sect. 373.

the ſaid I.W. or any other having or occupying the ſame office had, or ever uſed and enjoyed. And alſo the herbage and pannage of the ſaid parke of L. immediately after the death of the foreſaid I.W. and as ſoone as the ſaid office ſhall happen to be void by ſurrender of the forenamed I.W. or by any other lawfull wayes or meanes. To have, hold, occupy, and enjoy the ſame office of keeping of the ſaid manor, parke, lodge, and deere, immediately after the death of the ſaid I.W. and as ſoone as the ſame office ſhall happen to bee void, to the ſaid T.P. for terme of his life, by himſelfe or his ſufficient deputy or deputies, and to have and to hold the ſaid wages and yearly fee of &c. and the ſaid herbage and pannage, together with all other commodities, profits, and advantages appertaining to the ſame, immediately after the death of the ſaid I.W. &c. in as large and ample manner, as the ſaid I.W. or any other perſons heretofore had or occupied, for terme of the life of the ſaid T.P. the ſame yearely fee or wages of &c. to be payed by the hands of &c. of the iſſues, profits, and revenues of the ſame manor of L. at two feaſts of the yeare &c. by even portions: The firſt payment thereof according to the rate to begin at the firſt feaſt of the ſaid two feaſts, next after the death of the ſaid I.W. &c. And I doe by theſe preſents grant, that the payment of the ſaid yearely fees and wages ſo hereafter to be made by any of the ſaid Receivors, Baſilifes, or other officers ſhall be unto them and every of them, a full and ſufficient warrant and diſcharge in every of their ſeverall accompts, for ſo much thereof as they and every or any of them ſhall ſo pay, as is aforeſaid, according to the true meaning hereof. And if it happen the ſaid yearely fee or wages of &c. of the feaſts afore rehearſed, at which it ought to be paied: that then it ſhall be lawfull to the ſaid I.W. in the aforeſaid manor of L. to enter and diſtraine, and the diſtreſſes there found, to drive, carry, and beare away, and with him to hold, keepe and retaine till ſuch time as all the portion of the ſaid yearly fee or wages of &c. ſo due and behind hand be fully contented and payed, with the arrerages, if any there be. In witneſſe &c.

A Grant for yeares of the Herbage and Pannage of a Parke, and with Turbarie, by the Queene upon ſurrender of a former leaſe.

Sect. 374. REgina omnibus ad quos &c. ſalutem. Cum præchariſ. pater noſter H. viii. nuper Rex Angliæ per literas patentes ſub magno ſigillo ſuo Angliæ confect, gerent dat apud Weſtmon' &c. ann' regni ſui &c. de adviſamento dilector' adtunc ſibi R.S. milit' et T.M. milit' conſiliar' ſuorum ac gene-

ral'

neral' ſuperviſ. terraꝝ ſuaꝝ, conceſſerit, tradiderit & ad firmam dimiſerit dilecto adtunc ſibi R. C. in comitatu ſuo C. **yeoman**, agiſtamenꝫ & pannagium parcorum, turbaꝝ &c. infra foreſtam ſuam de M. in ꝑdicto com̃ ſuo C. adtunc vel antea in tenura ſive occupatione R. M. exiſtẽ parcel' terr̃ & poſſeſ. ſuaꝝ com̃ Palantiñ C. ꝓtin'. Habendꝫ & tenendꝫ agiſtamenꝫ & pannagium ꝑdꝫ ac cætera præmiſſ. cum pertinentiis ꝑf. R. C. executoribus & aſſignatis ſuis, à feſto S. Mic. Archaño adtunc ulꝫ præterit, uſque ad finem & terminum viginti & unius annoꝝ extunc proxim̃ ſequenꝫ & plenarie complendꝫ: Reddendꝫ inde annuatim dicto patri noſtro, hæredibus & ſucceſſoꝝ ſuis ad Scaccaꝝ ſuum C. ꝑdꝫ x. li. &c. prout eidem patri noſtro adtunc reſponſ. fuit, & triginꝫ ſolidos ultra de novo approvamento per annum ad feſta &c. prout per eaſdem literas patentes inter alia plenius liquet & apparet. Quas quidem literas patentes & dimiſſionem dilectus nobis R. D. armiger, habens totum jus, ſtatum, titulum, & intereſſe R. D. de & in præmiſſis nobis ſurſum reddidit & reſtituit cancellandum, & intentione, quod nos literas noſtras patentes, & dimiſſionem noſtram de eiſdem præmiſſ. eidem R. D. in forma ſequenꝫ facere & concedere dignaremur: Quam quidꝫ ſurſum redditionem acceptamus ꝓ preſentes. Sciatis igitur quod nos de adviſamento Theſauꝝ noſtri Angliæ, Cancellarii & Subtheſauꝝ Scaccarii noſtri pro fine &c. ad recepꝫ Scaccaꝝ nr̃i ad uſum nr̃um ꝓ ꝑdꝫ R. D. ſoluꝫ, tradidimus, conceſſimus, & ad firmã dimiſimus, ac ꝑ ꝑſentes tradimus, cõcedimus, & ad firmam dimittimus ꝑf. R. D. totũ ꝑdꝫ agiſtamenꝫ & pannagium parcorum, turbaꝝ, felic', cropꝑ, & cortric', infra ꝑdꝫ foreſtam noſtram de M. in dicto com̃ noſtro C. quondam in tenura ſive occupatione prædꝫ R. M. ac parcell' terr̃ & poſſeſſion noſtraꝝ com̃ Palantiñ C. ꝑdꝫ pertinenꝫ. Habendꝫ & tenendꝫ agiſtamenꝫ & pannagium ꝑdꝫ ac cætera præmiſſ. cum pertin' ꝑf. R. D. executoribus & aſſignatis ſuis à feſto S. Michael' &c. ad finem & terminum viginti & unius annoꝝ extunc proxim̃ &c. Reddendꝫ inde annuatim nobis hæredꝫ & ſucceſſoꝝ noſtris &c. ad feſta &c. ad recepꝫ Scaccaꝝ noſtri, ſeu ad manus Ballivorum vel recepꝫ ꝑmiſſoꝝ pro tempore exiſtenꝫ per equales porciones ſolvendꝫ duranꝫ termino ꝑdꝫ. Proviſo ſemper, quod ſi contingat &c. *ut in aliis diſtrictionibus*, quod tunc & deinceps hæc præſens dimiſſio & conceſſio vacua ſit, ac pro nullo habeatur, aliquo in præſentibus in contrarium inde non obſtante, aut aliquo ſtatuto, *ut ſupra* 357. In cujus rei &c.

A Grant of the office of the Clerke of the Hamper.

REx &c. *ut ſupra* 327. dedimus &c. W. F. officium Clerici hanaperii noſtri Cancellaꝝ noſtr̃ terræ noſtræ Hiberniæ, & cuſtodiam omSect. 375.

nium & omnimodorum brevium, record', billar', filatiar', script', & omniũ aliorum record' quorumcunque in Cancellar' nostr' prædict' pro tempore existen' ac ipsum W. clericum hanaperii cancell' terræ nostræ præd', & custod' omnium & omnimodorum record', billar', filatiar', script', & omnium aliorum record' quorumcunque in Cancellar' prædict' pro tempore existent', fecimus, constituimus, & ordinavimus per præsentes Habendum &c. Accipiend', levand', & annuatim recipiend' tam magn' annualia, feoda, vadia, & regard', qualia N.W. vel aliquis alius, aut aliqui alii ante hoc tempus prædict' offic' occupans sive occupantes pro exercitio ejusdem habuerit sive perceperit, aut habuerint sive perceperint ad festa &c. pro termino vitæ dicti W. tam de exitibus, proficuis, advantagiis & emolumentis hanaperii nostri Cancell' nostr' terræ Hiberniæ prædict' provenientibus sive crescentibus per manus suas proprias, assignat' aut deputatorum suorum, quam de revencionibus, subsidiis, debitis, decimis, quintodecimis, & proficuis terr' nostræ Hiberniæ prædict', Thesaur', Subthes. vel generalis receptoris terr' nostræ Hibern' prædict', vel eorum vices gerent' pro tempor' existent', una cum omnibus aliis proficuis, advantagiis, commoditatibus, & regardis eisdem officiis, ac eorum utrique pertin' seu spectantibus, Ac in tam amplis modo & forma, prout dict' N.W. aut aliquis alius in officiis illis, aut eorum altero ante hoc tempus habuit sive percepit, eo ꝙ expressa mẽtio &c. Et specialiter non obstante statuto, actu, aut ordination' in quodam Parliamento tent' apud villam nostram de D. in terr' nostra Hibern' prædict' die Lun' proxim' post festum S. Andr' Apostol' ann' regni pclarissimi patris nostri H. sept' nuper regis Angliæ decimo, coram E.D.P. Militi deputat' ipsius domini Regis patris nostri terr' nostræ Hibern' prædict', edit' in hæc verba: Quod abinde & deinceps nullæ person' quæ habent potestat' ad administrandam justitiam in dicta terr' nostra Hiberniæ, viz. Cancellar', Thesaur', Justic' de Banco, & de communi Banco, capitalis & secund Baro de Scaccario nostro ibidem, Clericus sive Magister Rotulorum, ac omnes offic' computabil', non habeant de cætero aliquam authoritat' in talibus officiis suis per literas patentes dom' regis, nisi solummodo ad placitum & voluntatem domini Regis. Et si aliqua concessio nunc facta, vel in poster' fiend' alicujus vel aliquorum officiorum prædict' alicui person' in contrarium sit fact', quod illa concessio adjudicetur vacua & nullius vigoris in lege: aliqua alia re, causa aut materia quacunque in contrarium inde non obstante. In cujus &c. has literas nostras fieri fecimus patent'. Teste me ipsa apud W. 3. die &c. ann' &c.

A Grant of a Fellowſhip in a Hall or College.

HEnric &c. To our truſty and welbeloved the Maſter of our Col- Sect. 376.
lege called the Kings Hall within our Univerſity of Cambridge, and in his abſence to his Lieutenant or Deputy there, greeting: For as much as we bee credibly informed, that our welbeloved ſubject A.B. Scholler of our ſaid Univerſity, is greatly deſirous and minded to continue at ſchoole for the further increaſe in vertue and learning: we let you to wit, that conſidering his vertuous intent and purpoſe, for his better erhibition in that behalfe, we have given and granted, and by theſe præſents doe give and grant unto him the room of a Fellow of and within our ſaid College, if any be now void, or elſe the roome of a Fellow, within our ſaid College, which ſhall firſt and next fall void within the ſame, by death, diviſion, farrender, or otherwiſe: To have and injoy the ſame roome, with all manner rights, profits, emoluments, and duties thereunto belonging, to the ſaid A.B. for terme of his life: with all benefits, penſion or annuity, not exceeding the yearely value of ten pounds, in as ample and large manner, as any heretofore hath had and injoyed the roome aforeſaid, any act, ſtatute, ordinance, or any thing to the contrary hereof in any wiſe notwithſtanding. Wherefore we will and command you, that according to the effect and purport of this our grant, ye doe admit the ſaid A.B. unto the ſaid roome of a Fellow accordingly. And theſe our letters ſhall bee your ſufficient warrant and diſcharge in this behalfe, Given &c.

A Grant of the office of a Receiver and Surveyor with fees.

OMnibus &c. R.G. comes L. ſalutem in Domino ſempiternam. Sciatis Sect. 377.
me præfat' Comitem dediſſe &c. F.H. generoſo, officium Receptoris omnium exituum, proficuorum, denariorum & ſummarum creſcentium & pervenientitū de omnibus maneriis, terris & tenementis, redditibus & hereditamentis meis quibuſcunque in comit̄ B. &c. Ac etiam officium ſuperviſoris omnium prædict' maneriorum, terrarum, tenementorum, & hereditamentorum meorum quorumcunque: Ac ipſum W. H. receptorem, ac ſuperviſorem maneriorum, terrarum, &c. conſtituiſſe, & ordinaſſe, prout p̄ præſentes ordinavimus & conſtituimus. Habendum &c. in tam amplis modo & forma, prout aliquis alius, vel aliqui alii officiis præd', ſeu eorum altero ante hæc tempora uſus fuit aut uſi fuerunt. Et ulterius ſciatis me p̄f. C. dediſſe &c. p̄f. W.H. pro executione & occupation̄ officiorum prædictorum

ctorum quandam annualem redditum xl. marcarum &c. Habendum, levandum &c. pro termino vitæ ſuæ naturalis per manus ſuas proprias de exitibus & proficuis prædictorum manerior', terrar', &c. per æquales porciones. Et ſi contingat p̄dict' annualem redditum xl. marcarum aretro fore &c. *ut in Diſtrictionibus.*

A Grant of an Annuity and reward out of the Hamper, Wine out of the Kings Celler, Velvet out of the Wardrobe, fee Deere, with licence to hunt.

Sect. 378. REx &c. Sciatis quod nos in conſideratione boni & fidelis ſervitii, per dilectum nobis in Chriſto N. ante hæc tempora impenſi, dedimus & conceſſimus &c. eidem N. quandam annuitatem, ſive annualem reddit̄ quinquaginta libr̄ &c. annuatim habendum de exitibus, reventionibus, & proficuis hanaperii noſtri pro tempore exiſtent̄. Habend̄ &c. præfat̄ N. &c. de exitibus &c. *ut ſupra*, ad feſta &c. ſuper ſola demonſtratione harum literarum noſtrar̄ patentium, ſeu earum irrotulament̄ in dicto hanaperio noſtr̄ fact', vel alibi præfat̄ cuſtodi pro tempore exiſtenti oſtenſ. abſque aliquo brevi, vel aliquibus brevibus ſeu mandatis, extra Cancell' noſtram ſuper eaſdem literas noſtras patentes, proſequend̄ ac præfat̄ clerico aut cuſtodi aliqualit̄ dirigend̄. Dedimus etiam & conceſſimus, ac p̄ preſentes damus & concedimus eidem N. pro termino vitæ ſuæ, unum dolium vini Vaſconien', annuatim p̄cipiend̄ durante vita ſua p̄ manus pincernæ nr̄i Angliæ pro tempore exiſtent̄ deliberand̄, de illo vino quod idem pincerna noſter pro tempore exiſtens habebit & recipiet ad uſum nr̄um ratione officii ſui p̄d̄. Necnon damus & concedimus eidem N. pro term̄ vitæ ſuæ annuatim tantum ſerici Anglice **Velvet**, de ſerico noſtr̄ de garderoba noſtr̄, & tantum penell' de eadem garderoba noſtra annuatim percipiend̄ & deliberand̄ p̄ manus Magiſtri garderobæ noſtræ p̄d̄ pro tempore exiſtent̄, quantum ſatis erit & ſerviet ad faciend̄ p̄d̄ N. unam togam de ſerico, Anglice **Velvet**, & penelatam annuatim pro term̄ vitæ ſuæ de illis ſericis, Anglice **Velvet**, & penulis, de quibus Magiſter de garderoba noſtr̄ pro tempore exiſtens annuatim recipiet & habebit ratione officii ſui p̄d̄. Ac etiam damus & concedimus eidem N. annuatim durante vita ſua duas damas idoneas, viz. unam Anglice a **Buck of ſeaſon** in æſtate, & aliam Anglice a **Doe of ſeaſon** in hieme, in magno parco noſtro de W. in Com̄ noſtro de S. annuatim capiend̄ & habend̄ tam per ſeipſum quam per aliquem alium ſive aliquos per ipſum aſſignand̄, per cuſtodes in parco noſtro pro tempore exiſtent̄ eidem N. deliberan̄. Et volumus & concedimus q̄d̄ bene liceat & licebit p̄fat̄ N. & aſſignat̄ ſuis durante vita ſua prædict', annuatim venari

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& fugare in eodem parco noſtr̃ pro prædict̃ duabus damis capiend̃ & interficiend̃ & eas abinde cariandum, aſportandum, & habendum ubicunque placuerit ad voluntatem ſuam, ſine impedimento noſtro & hæred̃ noſtrorum, foreſtariorum, parcarior̃, & alior̃ officiariorum & miniſtrorum noſtrorum quorumcunq; durant̃ vita ſua. Et ulterius damus & concedimus eidem N. centum libr̃ de dono & regardo noſtris de exitibus, reventionibus & proficuis hanaperii noſtri prædict' provenien' ſive creſcent̃, per manus prædict' Clerici ejuſdem hanaperii pro tempor̃ exiſtent̃, ſolvendum & deliberand̃ indilate poſt oſtention' ſibi harum literarum noſtrarum patentium, abſque compoto ſeu aliquo alio inde nobis vel hæred̃ noſtris reddend̃ ſeu ſolvend̃ pro præmiſſis ſeu aliquo præmiſſ. Et volumus & concedimus quod prædict̃ Clericus de Hanaperio noſtro pro tempore exiſtent̃, & predictus Magiſter de garderoba noſtr̃ pro tempore exiſtens habeant plenam allocationem coram quibuſcunq; Auditoribus & Iudicibus noſtris in quibuſcunque curiis & locis ſuper ſpecialibus compotis ſuis faciend̃, de exitibus, reventionibus & proficuis ſeperalibus, ratione officiorum ſuorum nobis emergentibus ſive creſcentibus, videlicet, dictus Clericus hanaperii noſtri pro tempore exiſtens, tam pro annuali ſolutione prædict' annuitatis ſive annualis redditus 50. libr̃, quam pro prædict' centum libr̃ de regardo noſtro præfat̃ M. ut præmittitur per nos conceſſ. Et prædict' Magiſter garderobæ noſtræ præd̃ pro deliberatione dicti annualis ſerici ſive Velvet, & penularum annuatim ad faciendum præfat̃ N. unam togam penulatam. Eo quod expreſſa mentio de vero annuo valore, aut aliqua alia certitudine præmiſſorum, ſeu eorum alicujus, aut de aliis donis ſive conceſſionibus, per nos, aut aliquem progenitorum noſtrorum præfat̃ N. ante hæc tempora factis in præſentibus minime facta exiſtit: aut aliquo ſtatuto, &c. *ut ſupra* 357.

A Grant of the office of the Pipe in reverſion.

REx &c. Cum præclar̃ pater noſter H. nuper Rex Angliæ ſeptimus per literas ſuas patentes, quarum dat̃ eſt apud Weſtmonaſterium 15. die M. anno regni ſui xxiii. ordinaverit, deputaverit, & conſtituerit dilect' ſibi T.B. ingroſſator̃ magni Rotuli in Scaccario ſuo, ſive clericum Pipe ejuſdem Scaccarii, ac eidem T. officium ingroſſatoris magni Rotuli ſui, ſive Clerici Pipe in Scaccario ſuo prædict' dederit & conceſſerit. Habend̃ & occupand̃ eidem T.B. per ſe, vel per ſufficientem deputatum ſuum, ſive deputatos ſuos ſufficientes pro termino vitæ ſuæ: Percipiend̃ inde pro officio illo exercend̃ feod̃. vadium, regardum, libertatam, victum, & proficua, eidem officio quoquo modo debita, conſueta, ſive ſpectant̃, Sect. 379.

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n tam amplis modo & forma, prout aliquis alius dictum officium ante hæc tempora occupans & exercens habuit & percepit, in & pro executione ejuſdem officii: Solvend eidem T. de tempore in tempus annuatim limitand, percipiend, & aſſignand, ad terminos in dicto Scaccario ſuo ab antiquo limitat, ſuper ſola demonſtratione literarum dicti patris noſtri, ſive earundem irrotulamenti, in dicto Scaccario ſuo facti & oſtenſi, abſque aliquo brevi aut brevibus, ſive mandato extra Cancellariam dicti patris noſtri ſuper eiſdem literis proſequend, aut Theſaur & Baron de Scaccario ſuo aliquatenus dirigend, una cum omnibus & omnimodis aliis proficuis, commoditatibus, advantagiis, & emolumentis, dicto officio qualitercunque debitis, conſuet, ſive ſpectantibus, prout in eiſdem literis plenius continentur. Sciatis quod nos ob certas grandes cauſas nos & Concilium noſtrum moventes, & in conſideratione boni & acceptabilis ſervitii, tam dicto præclariſſimo patri noſtro Henrico nuper Regi Angl' ſeptimo, ac domin E. nuper Regi Angliæ quarto Avo noſtro, quam nobis per dilectum ſervientem noſtrum W. P. unum Clericorum in officio privati ſigilli noſtri multipliciter impenſ. & impoſterum impendend, de gratia noſtra ſpeciali ordinavimus, deputavimus, & conſtituimus præfat W. P. ingroſſatorem magni Rotuli in Scaccario noſtro, ſive Clericum Pipæ ejuſdem Scaccarii: ac eidem W. officium ingroſſatoris magni Rotuli ſive Clerici Pipæ in Scaccario noſtro prædicti damus & concedimus per præſentes. Habend & occupand officium prædictum eidem W. per ſe, vel per ſufficientem deputatum ſuum, ſive deputatos ſuos ſufficientes, pro termino vitæ ſive immediate poſt deceſſum ipſius T. aut per reſtitutionem literarum patentium dicti patris noſtri eidem T. inde factarum, aut per reſumptionem, forisfacturam, vel deprivationem, ſeu aliquam aliam cauſam vel materiam quamcunque idem officium vacar, ſeu ad manus noſtras, aut donationem, diſpoſitionem, ſeu conceſſionem noſtram devenire, accidere, ſeu pertinere contigerit: Et percipiend pro officio illo exercendo, feod, vadium, regard, liberatam, victum, & proficua eidem officio quoquo modo debit, conſuet, ſive ſpectant, in tam amplis modo & forma, prout idem T. B. aut aliquis alius dictum officium præante occupans habuit & percepit, in, & pro exercitio & occupatione ejuſdem officii: Solvend eidem W. de tempore in tempus annuatim limitand, percipien, & aſſign ad terminos in dicto Scaccario noſtro ab antiquo limitat, ſuper ſola demonſtratione præſentium literarum, ſive earundem irrotulament in dicto Scaccario fact & oſtenſi, abſque aliquo brevi aut brevibus, ſeu mandato extra Concellariam noſtram ſuper eiſdem literis noſtris proſequend, aut Theſaur & Baronibus de dicto Scaccario noſtr aliquatenus

tenus dirigendo, una cum omnibus & omnimodis aliis proficuis, commoditatibus, advantagiis, & emolumentis dicto officio qualitercunque debitis conſuet̃ ſive ſpectant̃. Eo q̃ expreſſa mentio de vero valore annuo, aut quovis alio valore officii, vadior̃, feodor̃, proficuor̃, commoditat̃, & liberat' p̃d in literis noſtris p̃d fact' minime exiſtit, aut eo q̃ p̃d T.B. adtunc ſuperſtes exiſtit, aut aliquo ſtatuto &c. *ut ſupra* 357.

A Manumiſſion of a Bondman, or Grant of libertie.

VNiverſis & ſingulis Chriſti fidelibus præſentes literas inſpecturis T. R. M. les dominus S. & M. Comitiſſa R. uxor &c. Cum I.B. alias dictus I.B. nativus noſter, filius R.B. alias dict' R.B. nativi noſtri, ſpectantis ſive appendentis manerio noſtro de P. in Com̃ C. in villenagio procreatus fuerat ac eſt pro talis communiter dictus, tentus, habitus, & reputatus palam, publice, & private: Noveritis nos T.R. &c. certis de cauſis veris & legitimis, nos & animos noſtros in ea part̃ moventibus, pro nobis & hæredibus noſtris imperpetuum manumiſiſſe, liberaſſe, & ab omni jugo ſervitutis & villenagii exoneraſſe, prout p̃ præſentes noſtras literas patentes manumittimus, liberamus & exoneramus prædict' I.B. cum tota ſequela ſua procreata & procreanda, bonis & catallis, terris, & tenementis ſuis perquiſitis ſive impoſterum perquirendis quibuſcunque. Sciatis etiam nos præfat̃ T. & M. remiſiſſe, relaxaſſe, ac omnino pro nobis, heredibus, & executoribus noſtris imperpetuum quiet̃ clamaſſe, ſicut per præſentes noſtras literas relaxamus, remitt̃, & quiet̃ clamamus eidem I. B. alias dict' I. B. hered̃ ſuis, & tot̃ ſequelæ ſuæ, omnes & omnimodas actiones reales & perſonales, ſectas, querelas, ſervitia, calumnias, tranſgreſſa, debita, & demanda quæcunque, quæ verſus eundem I.B. alias dictum I.B. vel aliquos hæred̃ ſeu ſequelarum ſuarum aut eorum aliquem habemus, habuimus, ſeu quoviſmodo habeb̃ poterimus, aut hæred̃ noſtri habere poterint in futurum, ratione ſervitutis & villenagii prædict', vel aliqua quacunque de cauſa ab origine mundi, uſque in diem confectionis præſentium. Ita videlicet quod nec nos prædict' T. dominus S. M. Comitiſſa R. nec alter noſtr̃, nec hæredes noſtri, nec aliquis alius per nos, pro nobis, ſeu nomine noſtr̃, aut alterius noſtrum, aliquam actionem, jus, titnlum, clameum, intereſſe, ſeu demaund̃, villenagii vel ſervitutis per breve domini Regis, ſeu aliquo modo quocunque verſus dictum I.B. alias dict' I.B. aut ſequelam ſuam, procreat̃ ſeu procreand̃, bon̄ aut cattalla, t̃r̃ aut tenementa ſeu perquiſita, vel in poſterum perquirend̃ de cæter̃ exiger̃, clamare ſeu vindicare poterimus, poterit aut unquam poterint in futurum, ſed, totaliter ſimus imperpetum exinde penitus averſi per præſentes. Et nos vero prædict' T.S. & M. & hæred̃ noſtri p̃f. I.B. alias dictum I.B. cum tot̃ ſequela ſua procreat̃ ſeu procreanda liberos

Sect. 380.

liberos erga gentem omnem warrantizabimus imperpetuum per præsentes, In cujus &c.

Another forme of Manumission in English.

Sect. 381. TO all Christian people, to whom these presents commeth, A. Earle R. Lord S. and of R. sendeth greeting in &c. Be it knowne unto all people, that whereas we by the information of divers persons have made title and claime to one J. T. of L. in the County of N. and to one W. T. brother to the same J. T. of S. in the County of R. and all their issues of their bodies comming to be villeines, and bound unto us, and appendant to our manor of J. in the County aforesaid. And forasmuch as we finde neither proofe nor sufficient ground whereby wee may understand that the said J. and W. or any of their issue should be villeines or bound unto us, but by evident proofe in sundry wise brought and shewed to us, we rather understand the contrary to be true: therefore we being desirous to set all doubtfull matter apart, and willing also the said J. and W. to be no further grieved or molested wrongfully without sufficient cause, and that they may from henceforth live in surety of the same, have remised, released &c. *ut supra in the former Manumission of a bond-man.*

Attornement.

The forme of indorsing or entring of Attornement of Tenants.

Sect. 382. AND because lands and tenements and such things as naturall lie in grant, cannot be transferred from one to another by bare grants of the parties, without the attornement & agreement of others, it is meet somewhat to discourse of attornement. An attornement therefore is the agreement of the tenants of the Land, which is when the seigniorie, rent, reversions or remainder is granted unto him to whom the same is granted. And every attornement is either actuall, or in law: an actuall attornement is the expressed consent of the tenant to such grant in any such deed by any overt or open act, as by saying, I become your tenant according to this deed: Or that he liketh well thereof, or is contented therewith, or that he attorneth tenant to the grantee according to the tenor thereof, giving to him some money in name of attornement, &c. Littl' 551. Plow. 25. a. 344. a. Attornement in law is when the person that ought to attorne doth not by plaine and expresse words, as is aforesaid, declare his consent to such a grant, but doth some other such act as in law sufficiently implieth and argueth his agreement thereunto: As if there be

Lord

Lord and Tenant, and the Tenant leaſeth for life to a woman, the remainder in fee to another, and the woman taketh an husband, to whom the Lord granteth the ſervices: Or if there be Lord and Tenant who marrieth a wife, and after the Lord granteth the ſervices to her, & her husband accepteth the deed: Or if a leaſe be made for life or years, and after he that hath the reverſion or remainder granteth the ſame to his leſſee, who accepteth of the deeds. Theſe and ſuch like be attornements in Law, Littl' Sect. 558, 559, 560, 561, 564. &c.

Attornement for Tenant for life.

MEmorandum that the within named E. P. being tenant for terme of life of the ſaid manor of D. and other the lands and inheritance expreſſed in this Indenture, did the 5. day of J. in this preſent moneth of June the 32. yeare of the Kn. Majeſties raigne that now is, attorne unto the within named I.B. according to the effect of the grant mentioned in the ſaid Indenture: And for proofe thereof did give unto him the ſaid J. in the name of Attornement, the ſumme of iiii. d. of uſuall Engliſh money, in the preſence of theſe perſons whoſe names are ſubſcribed, viz. A.B. C.D. &c. Sect. 383.

Or thus by divers Tenants.

Memorandum that the perſons whoſe names are under written, 3. die I. & an' &c. did attorne and become tenants unto the within named E.B. and P. his wife, according to the purport of the leaſe within mentioned. And for proofe thereof every one of them did give unto the ſaid E. and P. one penny in the name of Attornement.

Or thus in Latine.

Memorand' etiam quod 16. die M. anno ſuprad', R.S. G.H. G.C. &c. tenentibus diverſarum parcellarum tenementorum prædictorum ex ſeperalibus dimiſſionibus dict' T.W. ſuper tenementis præd' ſe præfat'. T.W. & T.S. inde atturnaverunt tenent', ipſiq; ſinguli dederunt præfat' T.W. & T.S. ſingulos denarios nomine atturnamenti præd' &c. in præſentia teſtium prædict' & aliorum, ſcilicet A.B. &c.

Or thus with Liverie of ſeiſin alſo,

SCiatis q; poſſeſſio & ſeiſina de terris & tenementis infraſcript', capt', & deinde deliberat' fuit infraſcript' S. P. infranomin' W.S. decimo die Junii,

Junii, aũ infraſcript, ad uſum infraſcript, & ſecund tenor̃ hujus præſentis chartæ indentat: Necnon eodem die apud M. præd̃ infranomiñ T. W. tenens unius clauſ, parcell' præmiſſ. vocat C. pro termino vitæ ſuæ, & unius anni ulterius pro eod̃ clauſo, tam eid̃ S. quam infranominat̃ E. S. R. G. & E. M. ſecund̃ tenor̃ hujus chart̃ indentat̃ attorñ & liberavit eid̃ S. unum denar̃ legal' monet̃ Angl' in nomine atturnac' & ſeiſin' redditus ſui, per ipſum annuatim ſolvend̃ pro eodem clauſo durante termino p̃d̃, in p̃ſentia W. N. &c.

A Deed of Attornement.

Sect. 384. OMnibus &c. T. H. &c. Cum ego p̃d̃ H. habeam & teneam pro termin' vitæ meæ unum tenem̃tum cum ſuis p̃tin', in villa de C. voc' D. quod quidem tenem̃tum cum ſuis p̃tin', & reverſionem inde (cum acciderit) poſt meum deceſſ. T. B. p̃quiſivit de W. H. filio meo & hæred̃ apparenti: Noveritis me p̃f. H. poſuiſſe p̃d̃ T. B. in plen' & pacific' poſſeſſion' & ſeiſin' de reverſione dicti tenem̃ti, cum omnibus ſuis p̃tin', per ſolution' unius denarii argenti eidem T. B. in cujus &c.

Another Deed of Attornement.

Sect. 385. OMnibus &c. H. A. &c. Cum ego p̃d̃ H. habeam & teneam pro termino vitæ meæ unum tenementum cum &c. Cujus quidem tenementi & ceter̃ p̃miſſ. cum ſuis p̃tinen' reverſio quibuſdam R. S. & A. N. ſpectat. Ac etiam cum ego p̃d̃ H. A. habeam & teneam pro termino vitæ meæ unum aliud tenement̃ &c. cujus tenementi & cæterorum p̃miſſ. reverſio p̃f. R. S. ſpectat. Et quia mihi p̃f. H. ad præſens ſatis conſtat, q̃ p̃dict' R. S. p̃ ſecund̃ ſcript̃ ſua ſeperalia, geren' dat̃ &c. anno &c. bargan', dederit, & conceſſerit, ac per illud ſcript̃ ſuum confirmaverit W. P. & A. uxor̃ ejus, & hered̃ ſuis, reverſiones dictorum tenementorũ & cæteror̃ p̃miſſorum, prout per ſcript̃ illa liquet: Noveritis me nunc p̃f. H. tenentem dictorum duorum tenementorũ & cæteror̃ p̃miſſor̃ cum p̃tin', ut p̃dict' eſt, ex mera ſpontanea voluntat̃ mea præf. W. P. & A. uxor̃ ejus, ratione dict' conceſſion' dict' reverſionis, de & in p̃d̃ tenementis & ceteris p̃miſſis ſic p̃ me jam tent̃, p̃ ſolutionem unius denarii attornaſſe, & quantum in me eſt, dict' donac', conceſſion' & contract' dict' reverſion' tenementor̃, ac cæterorum p̃miſſ. cum ſuis p̃tin' in forma p̃d̃ fact' aſſenſum, & conſenſum p̃buiſſe, & illa approbaſſe imperpetuum per p̃ſentes. In cujus &c.

A Grant of lands in fee ſimple by the King to be holden in Capite.

Sect. 386. REx &c. Sciatis quod nos pro ſũma &c. legalis monet' Angl' ad manus Theſaur̃ Cur̃ noſtræ reventionum Coronæ noſtræ ad uſum noſtrum

per

per dilect nobis H.W. bene et fideliť perſoluť, de gratia &c. dedimus &c. eidem W.H. totum ſcitum et capitale meſuag' manerii noſtri de R. in R. in Com noſtro N. nuper Monaſter de C. in eodem Com noſtro N. modo diſſoluť dudum ſpectanť et pertineñ, ac parcellam poſſeſ. inde exiſtenť, ac omnes terras dominicales manerii p̄d̄ : Necnon omnia meſuagia, domos, ædific', hortos, pomaria, gardina, curtilag', terr', prata, paſcua, paſturas, aquas piſcarias, communias, jura, commoditates, et hæreditamenta noſtr' quecunq; cum ſuis pertinentiis univerſis in R. in Com p̄d̄, ac alibi ubicunq; in eodem Com, dict capitali meſuag' manerii p̄d̄ quoquo modo ſpectantia vel pertiñ, cum eodem capitali meſuag' dimiſſa, uſitata, ſeu occupata exiſteñ ac nuper in tenura T.H. armigeri, & modo in tenura ſeu occupatione dicti H.W. cum dicto capitali meſuagio exiſteñ, Ac etiam omnes & omnimodos boſcos, de, in, et ſuper dictis terr' et ceteris p̄miſſis creſceñ & exiſteñ. Damus etiam ac per p̄ſentes pro conſideratione p̄d̄ concedimus p̄f. H.W. advocationem, donationem, liberam diſpoſitionem, & jus patronatus, Rectoriæ et Eccleſiæ parochialis de A. in dicto Com noſtro N. Habend' &c. *(ut in præmiſſis)* & cætera omnia et ſingula præmiſſa ſuperius expreſſa et ſpecificata, cum ſuis pertineñ univerſis præfat' H.W. hæred' & aſſignatis ſuis in perpetuum, Tenend' de nobis, hæred', et ſucceſſoribus noſtris in capite, per ſervic' &c. Ac reddend' inde annuatim nobis, hæred', & ſucceſſoribus noſtris xx.s. ad Curiã noſtr' Augmentationum revenc' Coronæ noſtr', ad feſtum, &c. ſingulis annis ſolvend' pro omnibus redditibus, ſervitiis, & demandis qubuſcunque proinde nobis, hæredibus, vel ſucceſſoribus noſtris quoquo modo reddendis, ſolvendis, vel faciendis. Et ulterius volumus, et per præſentes concedimus præfat' H.W. hæred' et aſſignatis ſuis, quod nos & hæredes et ſucceſſores noſtri in perpetuum annuatim, & de tempore in tempus exonerabimus, acquietabimus, et indemnes conſervabimus eundem H.W. hæredes et aſſignatos ſuos, verſus nos, hæredes & ſucceſſores noſtros, et verſus quaſcunque alias perſonas, de omnibus & omnimodis, redditibus, feodis, annuitatibus, penſionibus, et denariorum ſummis quibuſcunque de præmiſſis, ſeu de aliquo præmiſſorum exeunt' ſeu ſolvendis, vel ſuperinde oneratis, ſeu onerandis, præterquam de redditu & ſervicio ſuperius per præſentes reſervatis. Volentes etiam & firmiter injungendo p̄cipientes, tam Cancellario et Concilio dictæ Curiæ noſtræ Augmentationum reventionum Coronæ noſtr' pro tempore exiſtentibus, quam omnibus & ſingulis Receptoribus, Auditoribus, et aliis officiariis et miniſtris noſtris quibuſcunque, hæred', et ſucceſſorum noſtror', quod ipſi et eorum quiſq; ſuper ſolam demonſtrationem harum noſtrarum literarum patentium, vel ſuper irrotulamento earundem, abſque aliquo alio brevi ſeu warranto à nobis, hæred', vel ſucceſſoribus noſtris quoquo modo imperand', obtinend', ſeu proſequend', ſup̄ ſolutione dicti annui redditus xx.s.

nobis, hæred' & ſucceſſoribus noſtris ſuperius per preſentes ut præfertur reſervatis, plenam, integram, debitamque allocationem & defalcationem, deductionem, & exonerationem manifeſtam, de omnibus & omnimodis hujuſmodi redditibus, feodis, annuitatibus, penſionibus, & denarior' ſummis de præmiſſis, ſeu de aliqua inde parcella (ut præfertur) exeunt' ſeu ſolvend' præfato H.W. hæred' & aſſignatis ſuis facient & fieri curabunt. Et hæ literæ noſtræ patentes & irrotulament' earundem erunt annuatim, & de tempore in tempus, tam dicto Cancellario & Concilio noſtro dict' Curiæ noſtræ Augmentationum reventionum Coronæ noſtræ pro tempore exiſten', quam omnibus Receptoribus, Auditoribus, & aliis officiariis & miniſtris noſtris, hæredum & ſucceſſorum noſtrorum quibuſcunque, & eorum cuilibet ſufficiens warrant' & exoneratio in hac parte. Et inſuper de ampliori gratia noſtra damus, & per præſentes concedimus præfato H.W. omnes exitus, redditus, reventiones, & proficua omnium & ſingulorum præmiſſorum ſuperius expreſſorum & ſpecificatorum, cum pertinentiis, à feſto Sancti Michaelis Archangeli ultimo præterito hucuſque provenien' ſive creſcen'. Habend' eidem H. ex dono noſtro abſque compoto ſeu aliquo alio proinde nobis, hæredibus, vel ſucceſſoribus noſtris quoquo modo reddendo, ſolvendo, vel faciendo. Et ulterius de uberiori gratia noſtra volumus, & pro nobis &c. per preſentes concedimus præfat' H.W. q' habeat, et habebit has literas noſtr' patent' ſub magno ſigillo noſtro Angliæ, debito modo factas et ſigillat', abſque fine ſeu feodo magno vel parvo proinde nobis in Hanaperio noſtro ſeu alibi ad uſum noſtrum quoquo modo reddend', ſolvend', vel faciend': Eo q' expreſſa mentio (*ut ſupra* 357.) In cujus &c.

A Grant of a Manor with the Advowſon appendant.

Sect. 387. REx &c. Sciatis quod nos ex gratia noſtra ſpeciali, in conſideratione veri et fidelis ſervitii, quod dilectus ſerviens noſter A.B. nobis præſtitit, & durante vita ſua præſtare intendit, dedimus et conceſſimus, ac tenore præſentium damus & concedimus præfat' A. manerium noſtrum de B. cum ſuis membris et pertinen' in comitatu noſtr' S. Necnon Rectoriam de B. in eodem comitatu S. Ac advocationem Eccleſiæ de B. prædict', una cum omnibus, & ſingulis ſuis glebis, decimis, oblationibus, mortuar', porcionibus, penſionibus, & aliis proficuis quibuſcunque eidem Rectoriæ de B. aliquo modo pertinen' ſive ſpectantibus. Ac etiam Advocationem & Patronatum Vicariæ de B. prædict', cum ſuis juribus & pertinen' univerſis: Necnon omnia et ſingula meſuag', terras, tenementa, prata, paſcua, paſturas, boſcos, ſubboſcos, redditus, reverſiones, molendinas, ſervitia, feoda Militum, ward', maritagia, relevia, eſchaetas, communias, aquas, ſtagna, vaſtas,

vaſtas, warrennas, libertates, franchef. Curias Let̃ ac perquiſit. Curiæ, Advocatiõ, Patronat̃ Vicariæ de B. prædict̃, ac etiam omnes alias Advocationes & Patronat̃ Eccleſiarum, Capellarum, Cantuariorum, ac alia jura & hæreditamenta quecunque, cum ſuis pertinentiis univerſis in B. præd̃, ac alibi ubicunque prædict̃ Manerio, Rectoriæ, Vicariæ, ſeu eorum alicui ſpectañ, ſive aliquo modo pertineñ, aut quæ ut membra vel parcella eorundem Maner̃, Rectoriæ, Vicariæ, ſive eorum alicujus habita, cognita, ſive reputata fuerunt: Quod quidem Manerium de B. necnon Rector̃ Vicariæ, terr̃, tenement̃, & cætera omnia & ſingula præmiſſa cum eorum pertiñ, inter alia ad manus noſtras devenerunt, ac in manibus noſtris jam exiſtunt &c. de termino S. Trinitatis, añ regni noſtri 29. plene liquet. Habend̃ &c. (*ut ſupra in præmiſſis*) præfat̃ A B. & hæred̃ maſculis de corpore ſuo legitime procreatis. Tenendum de nobis & hæredibus noſtris in capite, per ſervic' quinque partis unius feodi Militis pro omni ſervic', exactione, & demanda quacunque abſque compoto, ſeu ratiocinio, ſive aliquo alio nobis, hæredibus aut ſucceſſ. noſtris pro eiſdem reddendo, vel faciendo: Et ulterius ex uberiori gratia noſtra dedimus & conceſſimus, ac tenore præſentium damus & concedimus præf. A.B. omnes & ſingulos exitus, &c. *ut ſupra proxima Sect.* Eo q̃ expreſſa mentio &c. In cujus &c.

A Grant of the Patronage of a Parſonage in fee, with an Aſſignment of a terme for yeares of the glebe and tithes.

THis Indenture made the ꝛc. day of D. in the ꝛc. of the raigne of our Soveraigne Lady, ꝛc. betweene G. T. of ꝛc. of the one party and T. W. of the other party, Witneſſeth, that whereas H. T. of ꝛc. by his Indenture, bearing date, ꝛc. for the conſiderations in the ſame deed mentioned, did give, grant, ꝛc. unto the ſaid G. T. his heires and aſſignes, all that the Advowſon, Patronage, free gift, and right of preſentation, of, and to the Parish Church of S. in the County of ꝛc. and all the eſtate, right, title, and intereſt of the ſaid H. T. of, in, and to the ſame. To have and to hold ꝛc. unto the ſaid G. T. his heires and aſſignes, to the onely uſe and behoofe of the ſaid G. his heires and aſſignes for ever. To hold ꝛc. And moreover where the ſaid H. T. did by the ſame Indenture give, grant, ꝛc. unto the ſaid G. T. his ꝛc. all his eſtate ꝛc. and terme of yeares, which he then had, or of right ought to have had, of, in and to the ſaid Rectory, Parſonage and other Glebe lands of S. aforeſaid, and of, in, or to all and ſingular the tithes of corne, graine, hay, wooll, lambe, milke, calfe, and other tithes, both prediall and perſonall whatſoever, yearely comming, growing, ariſing, renewing, accrewing Sect. 388.

crewing, or increasing within the towne, fields, and parish of S. aforesaid, and which Rectory, Parsonage, and glebe lands, tithes, and other the premisses, the said H. T. did hold and injoy by force of a lease thereof to him made by one L. G. then and now parson of S. aforesaid, for and during the naturall life of the said L. And whereas also in the said Indenture, one proviso was contained in effect following, that is to say, that when and as soone as the said H. T. his heires &c. should have saved harmelesse, and fully discharged the said G. T. his heires &c. and all their goods and chattels, of, and from one Obligation, in the said Indenture mentioned, wherein and whereby the said G. and H. stood joyntly bound unto one W. C. in the said Indenture likewise named, and have fully performed the condition of the same Obligations and every of them, that then, and at all times after whensoever the said G. his &c. should and would make or cause to be made, unto the said H. T. his heires &c. such good, perfect and sufficient assurance and conveyance in law, of the said Advowson, Patronage, free gift, and right of presentation, to the Church of S. aforesaid, as he the said H. his heires or assignes, should reasonably devise and require. And also, that he the said G. his &c. should and would in like sort make, or cause to be made, unto the said H. his executors, &c. such good, perfect, and sufficient conveyance and assurance in the law, of the before mentioned lease of the foresaid Parsonage of S. with the tithes thereof, and of all other things, before by the said Indenture bargained and sold, as he the said H. T. his executors or administrators shall reasonably devise, and require, as in and by the said recited Indenture amongst divers other things, more at large it doth and may appeare. And whereas the said H. T. or his assignes, have not saved harmelesse, or otherwise discharged the said G. T. from the Obligation in the said Indenture mentioned, nor did performe the condition of the said Obligation, according to the tenor, effect, and true meaning of the same condition: Now the said B. T. for good causes and considerations him specially moving, hath given, granted, &c. and by these presents doth cleerely, freely, and absolutely give, grant, &c. unto the said T. W. his heires and assignes for ever, all that the said Advowson, Patronage, free gift, and right of presentation, of, and to the said parish Church of S. aforesaid, in the said County of D. and all the estate, right, title, and interest of the said G. T. of, in, and to the same, and all deeds, &c. concerning the same. To have and to hold &c. And moreover the said T. G. for the consideration aforesaid, hath cleerely and absolutely given, granted, &c. unto the said T. W. his &c. all the said estate and terme of yeares, before recited, and to the said Rectory &c. To have and to hold the said Rectory, &c. to the said T. W. his executors and assignes, for, and during all such terme,

time,

time, and intereſt, as are or ſhould be yet to come, by force of the ſaid demiſe and grant made to the ſaid H. T. In witneſſe, &c. whereof &c. Hereunto adde neceſſarie Covenants.

A Grant of a Manor.

HEnricus &c. Sciatis quod nos &c. (*utſupra* 386.) per A. B. & I. P. unde fatemur nos fore plenarie ſatisfactos & contentos, coſdemque A. & I. acquietamus, de gratia, &c. totum illud dominium & manerium noſtrum de F. cum juribus, membris, & pertineñ univerſis in Comitatu noſtro G. nuper Monaſteř de W. in eodem Comitatu noſtro de G. modo diſſoluť, dudum ſpectanť & pertinenť, ac parcell' poſſeſſionum et reventionum ejuſdem nuper Monaſteř dudum exiſteñ, ac omnia et ſingula meſuagia, molēdina, toft, cottagia, curtulag', domos, ædificia, ſtructuras, columbar, hoř, pomaria, gardiñ, terras, prata, paſcuas, paſſuras, boſcos, ſubboſcos, reddiť, reverſiones, ſervic', reddiť oneris, reddiť ſiccos, ac redď ſuper quibuſcunque dimiſſionibus, et conceſſionibus, reſervať, annuitať, ac omnes et omnimodas decimas cujuſcunque generis ſeu naturæ fuerint: Necnon feodi firmas, aquas piſcar, jampñ, bruer, moras, mariſc', warrecť, moras, warrenñ, communes vias, vacuos fundos, nativos, villanos cum eorum ſequel' feoď Militum, warda, maritag', eſcheať, relevia, herioť, curias leť, viſus francipleg' quæ pertinent, ſeu in poſterum ſpectare poſſunt aut debent, bona et catalla waviať, bona et catalla feloñ, tam de ſe, quam aliorum feloñ, fugitivorum, convict', aut quoquo modo damnatorum ſeu convictorum extra cur, et alia noſtra juriſdictiones, privileg', et libertať, emolumenta, proficua, commoditať, et hæreditamenta noſtra quæcunque cum eorum pertinentiis univerſis, ſituať, jaceñ, & exiſteñ in villis et campis, parochia ſeu hamletis de F. in dicto comitatu noſtro G. ac alibi ubicunque in eodem comitať, dictis domo et manerio pertineñ aut quoquomodo ſpectanť, aut ut membrum, pars, vel parcell' ejuſdem domus et manerii antehac habiť, cogñ, accepť, uſitať, reputať, demiſſ. ſeu locať exiſtenť, aut cum eadem domo aut manerio, occupať, ſeu qualitercunque uſitať: Ac omnes et ſingulos boſcos et ſubboſcos, et arbores noſtras quaſcunque, de, in, vel ſuper prædict' manerio et domo, et cæteris præmiſſis, aut aliqua inde parcell' creſcenť ſive exiſtenť: Ac totam terram, fundum, et ſolum eorundem boſcorum, ſubboſcorum, et arborum, et eorum cujuſlibet: Necnon reverſionem et reverſiones omnium et ſingulorum præmiſſorum, et cujuſlibet inde parcell', ac reddiť, reverſioñ, ac cætera advantagia et proficua quæcunque, ſuper quibuſcunque dimiſſ. conceſſ. præmiſſ. aut alicujus inde parcell' factſeu reſervať. Damus etiam pro conſideratione prædicť, ac ex certa ſcientia et mero motu noſtris per præſentes Sect. 389.

ſentes concedimus præfat A. B. & I. P. advocationem, donationem, præſentationem, liberam diſpoſitionem, & jus patronat Rectoriæ & Eccleſiæ de S. in comitatu noſtro R. nuper Monaſter de A. in eodem comitatu noſtro B. modo diſſoluţ, dudum ſpectanţ ſive pertinenţ. Damus etiam pro conſideratione prædict', ac ex certa ſcientia & mero motu noſtris per præſentes concedimus prafatis A.B. & I. P. omnia & ſingula dominia, maneria, meſuagia, terras, tenementa, prata, paſcua, paſturas, boſcos, ſubboſcos, reddit, reverſiones, ſervic', decimas, advocationes, ac cætera omnia & ſingula præmiſſa ſuperius expreſſa & ſpecificata cum pertinentiis, adeo plene, libere, integre, & cum omnibus eiſdem hujuſmodi, & conſimilibus libertaţ & immunitatibus quibuſcunque, in tam amplis modo & forma, prout nuper Abbas dicti nuper Monaſter de W. ac ultimus Abbas dicti nuper Monaſter de A. aut eorum alter, aut aliquis vel aliqui prædeceſſores ſui in juribus eorundem nuper Monaſter, ſeu eorum alterius aliquo tempore ante diſſolutionem, ſive ſurſum redditionem eorundem nuper Monaſter, ſeu eorum alterius, vel antequam nuper Monaſter ill', ſeu eorum alterum ad manus noſtras deveneţ. prædict', dominium, meſuagium, terras, tenementa, decimas, advocationes, ac cætera præmiſſa, aut aliquam inde parcellam habuit, tenuit, vel gavifus fuit, habueţ, tenueţ, vel gavifi fuerunt, ſeu habere, tenere, vel gaudere debuerunt. Et adeo plene, liberţ, integre, ac in tam amplis modo & forma, prout ea omnia & ſingula ad manus noſtras ratione vel prætextu alicujus chartæ, doni, conceſſionis, confirmationis, ſive ſurſum redditionis per dictum nuper Abbat, & eorum nuper Conventţ. dictorum nuper Monaſter, ſeu eorum alterţ ſub ſigillis conventualibus, aut ſub ſigillo Conventuali eorum alterius inde nobis confectarum, aut ratione vel prætextu alicujus actus Parlimenti, aut aliter quoquo modo deveneruntţ, ſeu devenire debuerunt, ac in manibus noſtris jam exiſtunt, ſeu exiſtere debent vel debuerunt: Exceptis tamen ſemper nobis, hæredibus, & ſucceſſoribus noſtris omnino reſervaţ omnibus & ſingulis advocationibus, donationibus, præſentationibus, & juribus patronat quibuſcunque dicto dominio & manerio & alteri præmiſſ. aut alicui inde parcell' quoquo modo ſpectanţ vel pertinentibus, præter prædict' advocationem, donationem, præſentationem, & jus patronat Rectoriæ & Eccleſiæ de S. prædict'. Quæ quidem dominium, manerium, meſuagia, terræ, & tenementa, & cætera præmiſſa modo extendunt ad clarum annualem valorem &c. Habendum, tenendum, & gaudendum prædict' dominium, manerium, meſuag', terras, tenementa, prata, paſcua, paſturas, boſcos, ſubboſcos, reddit, reverſiones, ſervic', decimas, advocationes, cuſ, & viſus francipleg', hæreditamenta, & cætera omnia & ſingula præmiſſa cum pertinentiis, (exceptis præexceptis)

exceptis) præfatis A. B. et I. P. hæredibus et aſſignatis ſuis imperpetuum, ad ſolum & proprium uſum ipſorum A. & I. ac hæredum & aſſignatorum ſuorum imperpetuum. Tenend', &c. *(ut ſupra* 386.) Et ulterius &c. *(ut ſupra* 386.) præfat' A. & P. ac hæredibus & aſſignatis ſuis, quod iidem A. & P. hæredes & aſſignati ſui, habeant, teneant, & gaudeant, aut habere, tenere, & gaudere valeant & poſſunt infra prædict' dominium, manerium, meſuagia, terras, tenementa, ac cætera præmiſſa, & infra quamlibet inde parcell' tota talia, tanta hujuſmodi, & conſimil' cur', leet', viſus francipleg', & omnia quæ ad cur', leet', & viſus francipleg' pertinent, ſeu impoſterum ſpectare poſſint aut debent, fines, amerciament', aſſiſas panis, vini, & cerviſiæ, liberas warrennas, decimas, bona & catalla waviat', bona & catalla feloñ, tam de ſe, quam aliorum feloñ, fugitivorum, utlagat', attinct' ſeu convict', wavias, extrahur', & alia jura, jurisdictiones, privileg', libertat', franchiſ. proficua, commoditat', emolumenta, & hæreditamenta quæcunque, quot, qualia, quanta, & quæ dict' nuper Abbas dict' Monaſterii (ante illud ad manus noſtras devenit) in prædictis dominio, manerio, & cæteris præmiſſis, aut in aliqua inde parcell', habuit, tenuit, & gaviſus fuit, habuerunt, aut tenuerunt prætextu alicujus chartæ, doni, conceſſionis, ſive confirmationis, aut literarum patentium, per nos, ſeu per aliquem progenitorum noſtrorum præfat' nuper Abbati & nuper Convent' dicti nuper Monaſter' de Weſtmonaſter', aut alicui, vel aliquibus prædeceſſorum ſuorum quoquo modo fact' vel conceſſ. aut ratione vel prætextu alicujus præſcriptionis, uſus, ſeu conſuetudinis, ante hac, aut aliter quoquo modo legitimo habit' aut uſitat'. Volumus etiam pro conſideratione prædicta *(ut ſupra* 386.) præfat' A. & I. P. hæredibus & aſſignatis ſuis, quod nos, hæredes, & ſucceſſores noſtri imperpetuum annuatim, & de tempore in tempus acquietabimus, exonerabimus, & indemnes conſervabimus, tam eoſdem A. & P. ac hæredes & aſſignatos ſuos, quam prædict' dominium, manerium, meſuagia, terras, tenementa, & cætera omnia & ſingula præmiſſa, & quamlibet inde parcell', cum pertinentiis univerſis; contra nos, hæredes, et ſucceſſores noſtros, et verſus omnem aliam perſonam et perſonas qualſcunque de omnibus et omnimodis corrodiis, redditibus, feodis, annuitatibus, penſionibus, portionibus, denariorum ſummis quibuſcunque de prædictis dominio et manerio, meſuag', terris, et tenementis, et cæteris præmiſſis, aut de aliqua inde parcella quoquo modo exeunt' ſeu ſolvend', vel ſurperinde onerat' ſeu onerand', præterquam de redditu et ſervitiis ſuperius nobis et hæredibus et ſucceſſoribus noſtris per præſentes reſervat': Ac præterquam de omnibus et ſingulis redditibus, oneribus, et denariorum ſummis quibuſcunque, quas aliquis firmarius vel firmarii præmiſſorum,

aut alicujus inde parcell' tenetur, seu tenentur solvere, aut aliquo modo onerantur solvere, seu facere. Volumus enim & per præsentes firmiter injungend', præcipimus, tam Cancellario &c. (*ut supra, Sect.* 386. *verbatim,*) præfat' A.B. & I. P. ac hæredibus & assignatis suis faciunt, & de tempore in tempus, fieri causabunt. Et hæ literæ nostræ, &c. *ut supra Sect.* 386. Damus etiam pro consideratione prædict', ac ex certa scientia & mero motu nostr' per præsentes concedimus præfat' A.B. & I.P. omnia & singula redd', reversiones, & proficua quæcunque ad prædict' dominia, maneria, mesuag', terr', tenementa, ac cætera omnia & singula premissa, ac quamlib. inde parcell' cum eorum pertinentiis universis, à festo Michael' Archangeli ultim' præterit' hucusque provenient' sive crescent'. Habend' eisdem A.B. & I.P. ex dono nostro, absque compoto nostro, seu aliquo proinde nobis, hæred' & successoribus nostris quoquo modo reddendo, solvend', vel faciend'. Volumus etiam pro consideratione prædict', ac ex certa scientia & mero motu nostris per præsentes concedimus præfat' A.B. & I.P. quod &c. *ut supra* 386. Eo quod &c. *ut supra* 357. *Mutatis mutandis.*

A Grant of the incorporation of a Towne.

Sect. 390. ELIZABETH &c, Archiepiscop' &c. *ut infra Sect'* 391. salutem: Sciatis &c. (*ut supra* 327.) quantum in nobis est, dilectis nobis hominibus & inhabitantibus infra villam de R. in comitat' nostro de H. q villa illa sit incorporata de uno Ballivo & inhabitantibus infr' villam prædict' imperpetuum. Et quod Ballivus & inhabitantes infra eandem villam sint, & esse debeant unum corpus incorporatum, & una Communitas perpetuo jure & nomine, habiles & capaces in lege, habeantque successionem perpetuam. Et q una persona deinceps de inhabitantibus infra villam prædict' Ballivus villæ prædict' ad regimen ejusdem villæ fiat. Ac nos tenore præsentium W.H. nostrum fidelem servientem, ac unum inhabitant' infra villam prædict', ac assignatos suos pro termino nonaginta annorum immediate & proximo complend', Ballivum ac Ballivos villæ prædict' nominatum, appunctuamus, & ordinamus durante term' prædict': Ac postea de Regiæ nostræ potestatis plenitudine volumus, quod una persona de inhabitantibus villæ prædict', ad regimen ejusdem villæ pro uno anno integro singulis annis in festo Sanct' Johan' Baptist. in ballivum villæ prædict', per homines ac inhabitantes dictæ villæ eligat', ac ordinetur in perpetuum. Et quod idem Ballivus & inhabitantes per nomen Ballivi & inhabitant' infra villam de R. placitare possunt, & implacitari, in omnibus Curiis nostris, & aliis locis quibuscunque, habeantque sigillum commune ad negotia villæ prædict' agend' tractandum. Et ulterius ex abundantiori gratia nostr' concessimus, & licentiam dedimus ac per præsentes

concedimus,

concedimus, & licentiam damus pro nobis & hæredibus noſtris prædict', quod idem Ballivus & Inhabitantes & ſucceſſores ſui imperpetuum habeant & teneant, ac habere & tenere poſſint unum Mercatum ſingulis ſeptimanis apud villam noſtram de R. prædict' quolibet die Sabbati annuatim tenend', & unam Feriam ibidem per unum diem, viz. in feſto Aſſumptionis beatæ Mariæ Virginis ſingulis annis tenend' duraturum, cum Curiis pedis pulverizat' ibidem tenend', durante eiſdem Mercat' & Feria, una cum exitibus, proficuis, & amerciamentis de hmodi Mercatu & Feria, & curiis provenientibus, ac cum omnibus libertatibus, & liberis conſuetudinibus, proficuis, & emolumentis, ad hmodi Mercatum & Feriam pertinentibus ſive ſpectantibus. Quare volumus & firmiter præcipimus pro nobis & hæredibus noſtris prædict', quod idem Ballivus & inhabitantes infra villam de R. prædict' imperpetuum habeant & teneant, ac habere & tenere poſſint prædict' Mercatum & Feriam apud dictam villam noſtram de R. prædict', in forma prædict' tenendum, cum dicta curia pedis pulverizati, una cum omnibus exitibus, proficuis, & amerciamentis de hujuſmodi Mercatu, Feria, & curiis provenientibus, ac cum omnibus libertatibus, & liberis conſuetudinibus, proficuis, & emolumentis ad hujuſmodi Mercat' & Feriam pertin' ſive ſpectantibus imperpetuum. His teſtibus, &c.

A Grant of a Corporation by the King.

HEnricus Dei gratia, &c. Omnibus ad quos præſentes literæ pervenerint ſalutem. Inſpeximus cartam domini R. nuper Regis Angliæ, progenitoris noſtr' fact' in hæc verba. Rich. Dei gratia Rex Angliæ & Franciæ, & dominus Hiberniæ, Omnibus ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus cartam domini R. quondam regis Angliæ progenitoris noſtri in hæc verba. Rich' Dei gratia Rex Angliæ, Dux Normaniæ, Aquitan', Com. And. Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Iuſticiar', Vicecomitibus, Seneſchall', Præpoſitis, & omnibus miniſtr' & fidelibus ſuis, Salutem. Sciatis nos conceſſiſſe, & præſenti Carta noſtra confirmaſſe Burgenſibus noſtris de D. Socam ſuam de D. cum villa de D. Habend' & tenend' de nobis hæredibus noſtris per antiquam firmam quæ tunc temporis nobis reddebatur, & inſuper viginti & quinque Marcas argenti cum antiqua firma reddend' nobis annuatim, ut inde nobis reſpondeant ad Scaccarium noſtrum. Pro hac autem conceſſione noſtra ipſi nobis dederunt, &c. Quare volumus & firmiter præcipimus, quod iidem Burgenſes noſtri de D. prædict' Socam ſuam cum villa de D. præd' modo habeant & teneant bene & in pace, libere & quiete integre, plenarie, & honorifice, cum omnibus libertatibus, & liberis conſuetudinibus Sect. 391.

tudinibus ad eam pertinen. Ita quod nullus eos super his disturbet. Testibus his H. Cantuar Archiepo, R. Arch. Hereford, Will' de W. Osberto fil' H. Simone de P. Ric' Barre, & pluribus aliis. Dat per manum Magistr E, tunc agent vices Cancell' xxij. die M. apud T. anni 5. regni nostri. Nos autem dictas concessiones & confirmationes prædict' progenit, ac omnia & singula in chart sua p̄d contenta rata habentes & grata, ea pro nobis & hered nostris (quantum in nobis est) dilectis nobis nunc Burgensibus prd villæ de D. & eorum successi imperpetuum tenore præsentium concedimus & confirmamus (prout charta prædict rationabiliter testatur) & prout iidem Burgenses & antecessores sui hactenus locum rationabiliter habere et tenere consueverunt. In cujus rei testimoni has literas nostras fieri fecimus patentes. Teste meipso apud Westm decimo septimo die D. anno regni nostri quinto. Inspeximus etiam quandam chartam domini E. nuper regis Angliæ quarti, progenitr nostr fact in hæc verba. Edw. Dei gratia, Rex Angl' et Franc, dominus Hiberniæ &c. (*ut supra.*) Sciatis ex parte dilectorum nobis nunc Burgensium, tenentium, residentium, et inhabitantium villæ de D. in com E. accepimus qualiter ipsi a tempore non modico transacto nonnullas libertates et liberas consuetudines habuer, ac eis usi et gavisi fuerunt, p̄d Burgenses, tenentes, residentes, et inhabitantes, metuentes se de et in hujusmodi libertatibus, et liberis consuetudinibus, ob defectum declarationis et expressationis earund̄, et aliis occasionibus futur tempor molestari, pregravari, impediri, et perturbari, nobis humillime supplicarunt quatenus libertates et liberas consuetudines p̄d sub verbis specialibus declarar et expressatis eisdem Burgensibus, tenentibus, residentibus, et inhabitantibus, et eorum hered et successi. in forma subsequenti concedere, et ipsos incorporare, et personas habiles et capaces cum succes. perpetua facere dignaremur. Nos supplicationi suæ in hac parte favorabiliter inclinati de gratia nostra speciali, ac ex certa scientia et mero motu nostris, cōcessimus et per præsentes concedimus pro nobis et hered nostris, quod dicta villa de D. liber Burgus sit, et quod Burgenses, tenentes, residentes et inhabitantes ejusdem, et eorum hered et successi. liberi Burgens. sint, et Gildam mercatoriam habeant, et eisdem libertatibus et liberis consuetudinibus gaudeant, et utant in eodem Burgo, prout ipsi et eorum prædecessor ante hæc tempora rationabiliter usitant et gavisi. Et quod ipsi extunc sint in re et nomine unū corpus, et una Communitas perpetua, et quod eadem Communitas singulis annis in quodam loco certo infra Burgum prædict, ad libitum suum eligere possint de seipsis unum idoneam personam in Maior, et duas alias idoneas personas in Servientes ad clavas ejusdem villæ, infra eandem villam commorant, ad regend et gubernand communitat prædict' imperpetuum. Et quod iidem Maior et communitas habeant successionem perpetuam, et commune sigill' pro negotiis dictæ communitatis

nitatis servitur imperpetuum. Et similiter quod idem Maior, Communitas, & successores sui, per nomen Maioris & Communitatis Burgi de C. placitari, implacitari, & respondere, & respondere possint, coram nobis vel hared' nostris, ac coram quibuscunq; Iusticiar' & Iudicibus nostris, hæredum nrorum & aliorum quorumcunq;, in quibuscunq; curiis nris, vel hared' nrorum, & in cur' alior' quorumcunque, ip. & de omnimod' actionibus, sectis, querelis, & demandis, verbis cos, vel per cos aliquo modo prosequend', vel imperrand'. Eo quod ipsi imperpetuum habeant & gaudeant omnes & singulas libertates, & liberas consuetudines, quibus ante hæc tempora Maior & Burgenses villæ p̄dictæ usi fuerunt & gavisi, seu quibuscunque aliis nominibus censeantur. Et si hmdi Maior infra annum post hmodi electionem sic factam decesserit, aut pro non sana gubernatione Burgi p̄d', aut pro aliquo delicto, vel aliqua alia causa quacunque ab officio Maioratus depositus vel amotus fuerit, ad tunc communitas Burgi p̄d & successores sui aliam idoneam personam in Maiorem Burgi p̄d loco hmodi Maioris sic decedentis, depositi, vel amoti, pro residuo anni illius ad eundem Burgum regend' & gubernand' infra quindecim dies proxim post hmodi decessum, depositionem, sive amotionem eligere possint & creare, & eisdem modo & forma fiat in omnibus de servientibus ad clavas imperpetuum cum casus exigerit. Et ulterius de uberiori gratia nostra concessimus, & per præsentes concedimus, pro nobis & hæredibus nostris præfat' Maiori & communitati, & eorum hared' et successoribus, quod ipsi, hæredes et successores sui habeant imperpetuum cognitionem omnimodorum placitorum & debitorum, transgressionum, conventionum, et de omnimodis aliis causis et contractibus quibuscunq; infra eundem Burgum contingen aut emergen, tenend' coram Maiore ejusdem Burgi, qui pro tempore fuerit in eodem, cum in præsentia nostra et hared' nostrorum, quam in absentia nra hared' nrorum imperpetuum: et quod omnia placita in Burgo p̄dict' emergen, sive de tenur' suis, sive de contractibus, conventionibus, transgress. necnon de omnimod' debit', ac aliis causis et contractibus quibuscunq; seu vadimon' in eodem Burgo factis, seu accommodatis in Guilda aula in eodem Burgo, coram Maiore ejusdem Burgi pro tempore existen' placientur et tenenantur imperpetuum. Et insuper concessimus, et per præsentes concedimus præfat' Maiori et Communitati, hared' et successor' suis, quod ipsi, hared', et successores sui, per servientes suos predict' ad clavas, habeant potestatem et authoritatem attachiand' quoscunque viros et mulieres nimus sufficientes per corpora sua, in quibuscunque placit' debitor', comfactorum, transgressionum, conventionum, detentionum catall', et aliarum actionum personalium seu mixtarum quarumcunque infra Burgum præd' qualitercunq; factorum sive emergentium, quæ aliquo modo fuerint, vel moveri contigerint, coram Maiore Burgi prædict' pro tempore existen',

ſten, Præterea de abundanti gratia noſtr volumus & per præſentes concedimus pro nobis & hæredibus noſtris, quod quilibet Burgen. Burgi prædict', qui extunc in Maiorem Burgi illius eligetur, Maior ibim exiterit vel fuerit ipſo facto, & quam citius in Maiorem ejuſdem Burgi ſic electus & præfectus fuer, ſit extunc Coronator noſtri & hæred noſtror in Burgo prædict', durante tempore quo officium Maioratus Burgi prædict' occupaverit. Et qd idem Maior Burgi illius & ſucceſſ ſui Maiores ibid habeant in Burgo illo poteſtatem, juriſdictionem, auctoritat & libertatem faciend & exercend omnia & ſingula quæ ad officium Coronat ibidem pertinent faciend & exequend, prout ceteri Coronat noſtri & hæred nſrorū infra Regnum noſtrum Angl habuerunt & habere contigerint in futur. Ita q nullo tempore futuro aliquis Coronator ejuſdem regni noſtri Angliæ, niſi Maior Burgi prædict pro tempore exiſtens ad aliqd quod ad officium Coronator in eodem Burgo pertinet faciend ſeu exequend, ingrediatur, nec ſe de aliquo in eodem Burgo colore officii hmōdi intromittat quoquo modo. Et quilibet hmōdi Burgenſis in Maiorem Burgi pdict extunc eligend, immediate poſt hmōdi electionem de ſe factam, ſacramentum ſuum tam de ſe, & pro officio Maioratus Burgi prædict pro uno anno integro, aut aliqua parte ann ut præmittur eligendo quam de & pro officio Coronat noſtri Burgi prædict bene & fideliter faciend infra Burgum pdict, coram Communitate ejuſdem Burgi pro tempore exiſtēn præſtar corporale. Ac eidem Communitati & ſucceſſ ſuis, quod ipſi & ſucceſſores ſui ſacrum illud à præfato Maiore & Coronatore de tempore in tempus cum caſus exigerit, recipere poſſint, tenore præſentium licentiam dedimus ſpecialem, ita quod hmōdi Maior pro tempore exiſtens, ut Maior Burgi, aut ut Coronator noſtri ejuſdem Burgi ad ſacrum Maioris vel Coronator Burgi præd pſtand alibi quam infra eund Borgum, ſeu coram aliis quam coram communitate Burgi illius pro tempor exiſtēn nullo modo teneatur ſeu compellatur. Et ulterius de abundanti gratia noſtra conceſſimus et per præſentes concedimus pro nobis et hæred noſtris præfatis Maiori et communitati burgi predict et ſucceſſoribus ſuis quod idem Maior et ſucceſſores ſui imperpetuum habeant returna omnium brevium, mandatorum, præceptorum et billarum noſtrorum et hæred noſtrorum, necnon omnimod ſummonition' de Scaccar noſtro et hæred noſtror et aliorum extractuum quorumcunque exequend infra Burgum prædict tam ad ſect noſtram et hæred noſtrorum per nos vel hæred noſtros ſolos, ſeu nos vel hæred noſtros conjunctim cum aliis perſonis vel alia perſona, quam ad ſectam alterius cujuſcunque proſequendor omnimodas executiones brevium mandator præceptorum, billarum, ſummonitionum et extractuum prædict: Ita quod nullus vicecomes, Coronator, Eſchaetor, Ballivus aut alius miniſter noſter, vel hæred noſtrorum Burgum prædictum

dictum ingrediat̃ ad aliquod officium ibidem faciend̃ nisi in defectu ipsius, Major̃ vel successorum suorum. Et insuper &c. (*ut supra verbatim*) et successores sui habeant et teneant imperpetuum unam feriam apud dictum Burgum de D. singulis annis in vigilia et in festo et in crastino Annuntiationis beatæ Mariæ Virginis tenend̃ et per eosdem tres dies durat̃ cum omnibus liber̃ et liberis consuetudinibus ad hujusmodi feriam pertineñ, nisi feria illa sit ad nocumentum vicinarum feriarum. Quare volumus et firmiter præcipimus pro nobis et hæred̃ nostris prædict' quod præfat̃ Major et Communitas et successores sui prædict' habeant & teneant feriam prædictam apud Burgum prædictum in forma prædicta cum omnibus libertatibus et liberis consuetudinibus ad hujusmodi feriam pertineñ, nisi feria illa sit ad nocumentum vicinarum feriarum sicut prædict̃ est. Et præterea de gratia nostra speciali concessimus et per præsentes concedimus præfat̃ Majori et Communitati et successoribus suis, quod idem Major & successores sui sint Justiciar̃ ad custod̃ pacis nostræ infra Burgum prædictum conservand̃. Et quod idem Major et successores sui prædict̃ habeant imperpetuum hujusmodi authoritatem & potestatem infra eundem Burgum ad pacem nostram et hæred̃ nostrorum tantum conservand̃ et non aliter, prout cæteri Justic' sive custod̃ pacis nostræ in hac parte in aliquo Comitat̃ regni nostri Angl' in eodem Com̃ habeant & habuerunt. Quare volumus et firmiter præcipimus pro nobis & hæred̃ nostr̃ prædict' quod præfat̃ Major et Communitas Burgi prædict̃ ac eorum hæred̃ et successores omnia et singula hujusmodi libertates, consuetudines, franchesias et privilegia ac omnia alia præmissa prout superius express̃, est habeant, teneant, & exerceant, ac eis et eorum singulis plene, libere, integ. pacifice et quiete imperpet̃ gaudeant et utantur absque impetitione, impedimento, perturbatione, molestatione, vexatione, seu gravamine nostri vel hæred̃ nostrorum dict̃ aut aliquorum nostrorum officiariorum seu ministr̃ nostror̃ vel hæred̃ nostor̃ aut alior̃ quorumcunque, Eo quod expressa mentio de vero valore annuo præmissorum seu aliquo alio valore eorundem aut alicujus inde parcellæ, aut de aliis donis seu concessionibus eisdem Majori et Communitati et successoribus suis aut Majori et Burgensibus dictæ villæ de D. & successoribus suis aut aliquibus prædecessorum suorum et successoribus suis per nos vel per progenitores seu prædecessores nostros ante hæc tempora fact̃ in præsentibus minime fact̃ existit. Aut aliquo statuto, actu, ordinatione, seu provisione in contrarium fact̃, edit̃, ordinat̃ sive provis. non obstant̃. His testibus &c. W. et aliis 30. die O. anno regni nostri septimo. Inspeximus insuper quandam Cartam domini H. nuper regis Angliæ Progenitoris nostri fact̃ in hæc verba. Henric' &c. (*ut supra*) Omnibus ad quos præsentes literæ p̃ venerint, Salutem. Inspeximus literas patentes domini R.

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nuper Regis Angliæ ſecundi poſt conqueſtum factas in hæc verba: Ric' *ut ſupra.* Omnibus ad quos præſentes literæ pervenerint Salutem. Inſpeximus Cartam domini R. quondam Reg. Angliæ progenitoris noſtri in hæc verba. Richardus *ut ſupra.* Salutem, Sciatis nos conceſſiſſe & præſenti Carta noſtra confirmaſſe, &c. *ut ſupra.* Inſpeximus etiam quaſdam alias literas patentes cujuſdam Petri de Manly quondam Domini de Mulgreue ſigillo ſuo armorum ſigillat' ſimiliter factas in hæc verba. **Sachant toutes yceaux que ceſtes lettres verront, ou oyront, qui ieo Piers de Manley le quint Seignour de Mulgreene, ay releſſe & quiteclaime aux dyen as ouers come as riches de la Communalty de la Ville de D. la Sauvoſſe cuſtome levie de meſme la Ville devaunt ceus heures per mes auncetours la quel nous ſolaynes reſcevier de toutes manners Regratours de meſme la ville, ceſtaſſavoire, Peſtours, Bracoreſours, Bochiers, Pelchons & Eſtewes & de tout altre manner regrateric. Allent que ieo avantdit Piers ne nul de mes heires au cel cuſtome avauntdit nul clayme n metrons, En teſtimoignance de quel choſe a ceſt Lettre Patent y ieo mis mon Seale, Done a D. Jeoued prochein apres la quintzm de Saint Michaell an du reigne le Roy Edward le tierce apres le conqueſtquint.** Nos autem Chartas et literas prædictas, ac omnia et ſingula in eiſdem contenta, rat' habentes et grat', ea pro nobis et hæredibus noſtris (quantum in nobis eſt) acceptamus et approbamus, et dilectis nobis nunc Majori et Burgenſibus et Comit' prædict' villæ de D, et eorum ſucceſſoribus tenore præſentium ratificamus et confirmavimus, prout chartæ et literæ prædictæ rationabiliter teſtantur, et prout iidem nunc Burgenſes francheſiis, libertatibus, et quietanciis in literis prædict' contentis uti et gaudere debent, ipſique et eorum anteceſſores francheſiis, libertatibus, et quietanciis hmodi, à tempore confectionis literarum prædictarum ſemper hactenus rationabiliter uti et gaudere conſueverunt, In cujus rei teſtimon' has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtmonaſt' 18. dei M. Anno regni noſtri 23. Inſpeximus præterea quandam chartam dom H. nuper Regis Angliæ ſeptimi patris noſtri facta' in hæc verba. Henricus (*ut ſupra.*) Sciatis &c. (*ut ſupra Sect'* 327. Majori et Communitati villæ noſtræ de D. et eorum ſucceſſoribus, Manerium, villam, dominium, et Socam de D. cum omnibus villis, villatis, hamlettis, et membris ſuis quibuſcunque, Ac omnia ac ſingula meſuag', terr', tenementa, redditus, reverſiones, et ſervic', mariſcos, advocationes Eccleſiar', Cantariarum et capellarum poſſeſſiones et hæreditamenta noſtra quæcunque, infra prædict' manerium, dominium, villam, et Socam de D. ac infra prædict' alias villas, villatas, & membra exiſten', una cum curiis, letis, viſ. francipleg', aquis, molendi-

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nis, introitu, & exitu aquarum ibidem, feriis, mercatis, tolnetis, picagiis, ſtallagiis, pontagiis, paſſagiis, ac omnibus & ſingulis proficuis, commoditatibus, & emolumenꝫ quibuſcunque prædict manerio, dominio, villis, villatis, & cæteris præmiſſis, aut eorum alicui qualitercunque pertin' ſeu ſpectan', aut infra præcinctum eorundem, vel eorum alicujus ubicunque exiſtēn, vel ad nos, hæred, & ſucceſſores noſtros qualitercunque pertin', ſeu nuper pertin', prout nos ea omnia & ſingula præmiſſa, vel eorum aliquod habemus, ſeu nos, progenitores, aut prædeceſſores noſtri aliquo tempore præterito hucuſque habuimus, vel de jure habere debuiſſemus: Necnon omnia & ſingula exitus, reverſiones, & proficua, de prædict Curiis, viſ. francipleg', aquis, molendin', feriis, mercatis, tolneris, picagiis, ſtallagiis, pontagiis, paſſagiis, & cæteꝝ præmiſſis, ſeu aliquo præmiſſoꝝ, quoquo modo provenien' ſive emergen'. Habend & tenend prædictum Manerium, dominium, ſocam, villas, villatas, & cætera præmiſſa cum eorum membris & pertinentiis univerſis, à feſto Paſchæ ultimo præterito præfat Majori & Communitati, ac eorum ſucceſſoribus, de nobis & hæredibus noſtris ad feodi firmam imperpetuum: Reddend inde pro omnibus & ſingulis in p̄ſentia ſpecificat p̄f. nunc Majori & Communitati cōceſſis annuatim nobis, hæred & ſucceſſoribus noſtris ſeptuaginta & quatuor libras treſdecim ſolidos undecim denarios & obolum ad Scaccar noſtrum, ad feſta Sancti Mich. Archang' & P. per æquales porciones ſolvend, abſque compoto, vel aliquo alio onere vel reditu, ſine aliquo alio inde nobis, hæred vel ſucceſſ. noſtris, per ipſos Majorem & communitat, aut ſucceſſores ſuos quoviſmodo reddend, ſolvend, ſeu facien. Et ulterius nos de ubertori gratia noſtra pro nobis, hæred & ſucceſſoribus noſtris conceſſimus, & per p̄ſentes concedimus p̄fat Majori & Communitati ac ſucceſſoribus ſuis, quod iidem Major & Communitas & ſucceſſoꝝ ſui imperpetuum, habeant & teneant bis in quolibet anno ſingulis annis imperpetuum, unam letam ſive viſus francipleg' infra dicta Manerium, Dominium, villas, villatas, & cæteꝝ p̄miſſa, coram Seneſchallo ſive Recordatore Majoris & Communitat ejuſdem villæ pro tempore exiſten', aut ejus deputato ſive deputatis ſufficientibus, ſecundum legem & conſuetudinem regni noſtri Angl' viz bis per annum tenend. Et quod habeant emend aſſiſæ panis & cerviſiæ, ac aliorum victualium venalium quorumcunque, Necnon correctionem & punitionem eorund & cujuſlibet inde pcell', ac totum & quicquid quod ad letam vel viſ. francipleg' pertinet aut pertinere debet aut poterit, & etiam quod prædict Major & Communitas, & ſucceſſores ſui, habeant omnia exitus, & proficua, perquiſitiones, fines, penas, redemptiones, forisfacturas, & emerciamenta, in omnibus & ſingulis hmodi letis ſive francipleg' forisfacien vel aſſiden. Necnon Wayf, Stray, Infangthef, &

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Outfangthef, infra Manerium, Dominium, ſocam, villas, villatas, & cætera p̄miſſa et p̄cinct' eorund', et eorum cujuſlibet emergen̄ ſive contingen'. Et etiam bona et catalla omnium et ſingulorum felon', & felonum de ſe, ac bona fugitivorum, convictorum, & attinctorum, necnon bona et catalla utlagatorum et damnatorum, et Wreccum Maris (cum acciderit) ac bona & catalla quæcunque confiſcat̄ infra manerium, dominium, ſocam, villas, villatas, et cætera p̄miſſa, ac p̄cinct' eorundem, & cujuſlibet eorundem, invent̄ ſeu inveniend̄ imperpetuum. Et ulterius (*ut ſupra*) et hac præſenti Charta noſtra confirmavimus pro nobis, hæred̄, et ſucceſſ., noſtris prædict̄ præfat̄ Majori et Communitati et ſucceſſoribus ſuis, quod ipſi & eorum ſucceſſores, habeant et teneant duo Mercata, et quicquid ad Mercatum pertinet, ſeu pertinere debet aut poterit infra prædict' Manerium, dominium, et villam de D. vel aliquam parcell' eorund̄ qualibet ſeptimana ſingulis annis imperpetuum, modo et forma ſequen̄, videlicet, quod ipſi et ſucceſſores ſui habeant et teneant unum mercatum dictorum duorum mercatorum quolibet die Sabbati, et alter̄ mercat̄ eorundem duorum mercat̄ quolibet die Martis ibidem tenend̄ imperpetuum. Et inſuper quod iidem Major & Communitas et ſucceſsores ſui, habeant et teneant annuatim imperpetuum duas Ferias ſive Nundinas infra prædictum manerium, dominium, et villam de D. et præcinct̄ eorundem, vel eorum alicujus, et quicquid quod ad feriam ſive nundinas pertinet, ſeu pertinere debet aut poterit: Unam videlicet Feriam ſive Nundinas prædictar̄ duar̄ feriarum ſive nundinarum, tenend̄ apud dictam Villam de D. ſingulis annis p̄ tres dies, viz. in vigilia & in die ſancti Iacobi Apoſtoli, et in craſtin' die immediate ſequen̄ duratur̄: Alteram vero feriarum ſive nundinarum prædict' duarum feriarum ſive nundinarum, tenend̄ apud p̄dictam villam de D. annuatim imperpetuum, in vigilia et in die Annunciationis beatæ Mariæ Virginis, et in craſtino die immediate ſequen' ſimiliter duratur̄, cum libertatibus, et liberis conſuetudinibus, proficuis, reventionibus, advantagiis, commoditatibus, & emolumentis ad hujuſmodi mercatum, ferias, ſive nundinas, quoviſmodo p̄tin' ſive ſpectan'. Dum tamen feriæ ſive nundin' et mercatū illa non ſunt ad nocumentum aliorum vicinorum mercat̄, ſive aliar̄ vicinar̄ feriarum ſive nundinarum. Quare volumus, concedimus, & firmiter præcipimus, pro nobis, hæred̄. et ſucceſſoribus noſtris per præſentes, quod p̄dict̄ Major & Communitas et ſucceſſores ſui habeant et teneant mercatum et ferias ſive nundinas prædict' apud dictam villam de D. ut prædictum eſt ſingulis annis imperpetuum, cum omnibus libertatibus et liberis conſuetudinibus, necnon omnibus et ſingulis proficuis, reventionibus, advantagiis, commoditatibus, & emolumentis ad hujuſmodi mercatum, ferias, ſive nundinas, ſive eorum aliquod quoquo modo pertin' ſive ſpectan', dum tamen

mercatum,

mercatum, feriæ, ſive nundinæ illæ non ſint ad nocumentum vicinorum mercatorum, feriarum, ſive nundinarum. Et ulterius (*ut ſupra*) quantum in nobis eſt tenore præſentium, quod iidem Major & Communitas, & ſucceſſor ſui, faciant, habeant, & conſtituant de tempore in tempus imperpetuum ad eorum placitum, per literas ſuas patentes, ſigillo ſuo communi ſigillatas, unam idoneam perſonam eſſe ſeneſchall' ſive Recordat' ipſorum Majoris & Communitat', & ſucceſſorum ſuorum prædict' manerii, dominii, & Socæ de D. ac Cur', Leetar', viſus francipleg' prædict', & cæterorum præmiſſorum. Habend', exercend', & occupand', officium Seneſchall' manerii, dominii, & Socæ illorum, ad cur', leet', & viſ. francipleg' prædict', per ſe, vel per deputatum, ſive deputatos ſuos ſufficientes, ad terminum vitæ vel annorum, ſeu ad voluntatem ipſorum Majoris & Communitat', & ſucceſſorum ſuorum, prout eis melius videbitur expedire. Et quod prædict' Major & Communitas, & ſucceſſor ſui habeant & teneant unam Cur' qualibet ſeptimana imperpetuum ſingulis ſeptimanis, videlicet, quolibet die Iovis imperpetuum in Guilhalda prædict' villæ de D. omnia & omnimod' placita, actiones, & querelas, tam reales quam perſonales & mixtas, coram Majore prædict', maner', dominii & ſocæ de D. ac cæterorum præmiſſorum pro tempore exiſten', ac coram Seneſchall' ſive Recordator' Major' &, Communitat' manerii, dominii, & Socæ illorum, ac cæterorum præmiſſorum, vel deputato ſive deputatis ſuis ſufficient', ſecundum legem & conſuetudinem regni noſtri Angliæ, audiend' & terminand', per breve ſive brevia noſtra, hered' vel ſucceſſorum noſtrorum quorumcunque, ſive querelam aut quaſcunque querelas, ac juriſdictionem & proteſtatem cognoſcend', audiend' & terminand' coram quocunque hujuſmodi Seneſchall' ſive Recordatore, ſeu ejus deputato ſufficiente, aut ejus deputatis ſufficientibus, omnes & omnimod' actiones, ſectas, querelas, & demand', reales, perſonales, & mixtas, tam de omnibus & ſingulis terr' & tenementis infra prædict' maneria, dominium, villam, & ſocam de D. aut eorum membris cum pertinen', ac præcinct' eorundem, vel alicujus eorum exiſten', quam de, & in omnibus & omnimod' debitis, ad quamcunque ſummam, aut quaſcunque ſummas ſe attingunt, ac de, & in omnibus tranſgreſſionibus, debitis, detentionibus, compotis, conventionibus, deceptionibus, contractionibus, cauſis, demandis, ac materiis quibuſcunque infra maner' ſive dominium, villam, & ſocam de D. ac cætera præmiſſa ſeu præcinct' eorundem, ſeu alicujus eorundem emergent' ſive contingent'. Et quod Curia illa ſit cur' de Recordo, quodque quilibet hujuſmodi Seneſchall' ſive Recordator' pro tempore exiſten', & quilibet deputat' cujuſcunque hmodi Seneſchall' ſive Recordatoris habeant plenam poteſtatem & auctoritatem, tenend', audiend', & terminand' placita & q̄relas, ſecundum debitam legis formam, & pro-

cedend' ad judicium, in & ſuper eiſdem, & facere inde executiones, prout legi noſtr' concinit aut conſuevit. Et quod iidem Major & Communitas, & ſucceſſ. ſui conſtituant & habeant', ac conſtituere & habere poſſint, unum aut duos ſervientes ad Clavam infra maner', & dominium, vill', & ſocam de D. prædict'. ac cætera præmiſ. ad attend' ſuper Majorem villæ prædict', pro tempore exiſten: Et ad faciend' & exequend' ſummon, diſtriction & attach. ac alia præcepta Cur' p̄d', tam per corpus, quam aliter infra p̄d' dominium, maner', villam, & ſocam de D. & ceter' præmiſſ. & præcinct' eorund', virtute warranti ſive præcept', ac cujuſcunque proceſſus authoritate ſupradict', vel aliter infra prædict' maner', dominium, villam & ſocam de D. & cætera præmiſſa, ac præcinct' eorundem, vel eor' alicujus, eis aut eor' alteri direct' ſive dirigend'. Concedimus inſuper præfat' Majori & Communitati & ſucceſſoribus ſuis, ad eorum uſum & opus propria per præſentes, omnia & ſingula exitus, proficua, fines, amerciamenta, & alia emolumenta quæcunque, in curia prædicta, ſive ratione cur', illius per quamcunq; cauſam contingen. abſque compoto ſen aliquo alio inde nobis, hæred' vel ſucceſſoribus noſtris, reddend', ſolvend', ſeu faciend'. Conceſſimus etiam præfat' Majori & Communitati, ac ſucceſſoribus ſuis, quod Major villæ prædict' pro tempore exiſten', ac Seneſchall' ſive Recordat' ejuſdem villæ pro tempore exiſten', ac tres Aldermanni ejuſdem villæ per Major' & Seneſchall', ſive Recordatorem villæ illius ad hoc elect', ſint Juſtic' & cuſtodes pacis noſtræ, hæred' & ſucceſſorum noſtrorum infra prædict' manerium, dominium, villam & ſocam de D. præd', ac cætera præmiſſa ac præcinct' eorundem. Et quod idem Iuſtic', vel duo eorum, quorum præfat' Seneſchall' ſive Recordator pro tempore exiſten', ſemper ſit unus, plenariam habent poteſtatem & authoritatem ad pacem noſtram hæred' vel ſucceſſorum noſtrorum conſervand'. Necnon omnia ordinationes & ſtatuta facta & fiend' pro bono pacis noſtræ hæred' & ſucceſſor' noſtrorum, ac quieto regimine & gubernatione populi noſtri, hæred' & ſucceſſorum noſtrorum, in omnibus & ſingulis ſuis articulis, infra prædict' manerium, dominium, villam, ſocam, de D. prædict', & cætera præmiſſa, & præcinctum eorundem, juxta vim, formam, & effectum eorundem Statutorum & ordinationem cuſtodiend' & cuſtodiri faciend', & ad omnes illos quos contra formam & ordinationem ſtatutorum prædict' venerint, aut fecerint, ſecundum legem terræ puniri faciend'. Et omnes illos qui aliquibus de populo noſtro, vel hæred' ſeu ſucceſſ. noſtrorum de corpor' ſuis, vel de incendiis domor' ſuarum minas feceri, ad ſufficient' ſecuritatem de pace & bono geſtu ſuis erga nos & populum noſtrorum, hæred' & ſucceſſ. noſtror' invenient' cor' eis venire, & ſi hujuſmodi ſecuritatem jinvenire recuſaver', tunc eos in priſonam noſtram hæredum & ſucceſſorum noſtrorum infra p̄dict' villam

villam de D. quouſq; hujuſmodi ſecuritat̃ invenerint, ſalvo cuſtod̃ faciend̃. Ac omnes materias, querel', defect', cauſas, & alias quæcunq; infra dict' man̄, dominium, vill', & ſocam de D. & præcinct̃ eorundem impoſter̃ perpetrat̃ ſive contingen̄, adeo plene & integre inquirend̃, audiend̃ & terminand̃, prout cuſtodes pacis noſtræ, hæred̃ & ſucceſ. nr̃or̃, ad pacem in aliquo Com̄ Angliæ conſervand̃ aſſign̄, virtute ordinationum & ſtatutorum p̄d̃, ac lr̃arum noſtrarum p̄d̃ patenc' deſtitui aut deſtituend̃, terminare debent & ſolent ſeu debebunt, per Major̃ & Seneſchall' ſive Recordat̃ & hujuſmodi tres Aldermanos dict' villæ de D. pro tempore exiſten̄, vel duos eorum, quor̃ dict' Seneſchall' ſive Recordatorem pro tempore exiſten' unum eſſe volumus inquirant̃ & terminant̃, ſecundum legem & conſuetudinem Regni noſtri Angliæ, & juxta formam, & ordinationem ſtatutorum prædictorum: Ita quod cuſtodes pacis noſtræ, hæred̃, vel ſucceſſorum noſtrorum ad hujuſmodi felonias, tranſgreſſiones, & malefacta in Comitatu prædict' fact̃, perpetrat̃, fiend̃, ſive perpetrand̃, audiend̃ & terminand̃, aſſign̄ vel aſſignand̃ infra prædictum manerium, dominium, villam & ſocam, ſeu cætera præmiſſa, aut præcinctum prædict̃, ad aliquod quod ad cuſtodes pacis noſtræ, ſive Iuſtic' hujuſmodi ibidem pertinet faciend̃ non ingrediantur, nec ſe in aliquo intromittant. Sciatis inſuper, quod nos de gratia (*ut ſupra*) præfat̃ Majori & Communitati & ſucceſſoribus ſuis prædictis, quod omnia & ſingula brevia, præcepta, warrant̃, ſumm̄, attachiamenta & mandata per Majorem, ſive per Majorem & Communitatem, aut per Seneſchallum, ſive Recordatorem prædict' manerii, dominii, villæ, & ſocæ, de D. aut earum aliquem pro tempore exiſten̄, aut per deputatum Seneſchall' ſive Recordatoris manerii, villæ, & ſocæ illorum pro tempore exiſten' concedend̃, vel extra cur̃, ſive viſus francipleg' prædict̃, pro aliqua materia, re, vel cauſa quacunque emanantia ſeu proſequend̃, aut per præfat̃ Cuſtodes ſive Iuſtic' pacis prædict' manerii, dominii, villæ, & ſocæ de D. ſeu eorum aliquos vel aliquem concedend̃, vel extra aliquam ſeſſionem, coram eis ſive eorum aliquibus, vel aliquo tenend̃ pro aliqua materia, re, vel cauſa quacunq; emanantia proſequend̃ vel dirigend̃, ſervient̃ ad Clavas prædictor̃ manerii, dominii, villæ, & ſocæ de D. pro tempore exiſtn̄, ſeu eorum alicui, juxta juris exigentiam dirigantur, & per eoſdem ſervientes ad clavas, ſeu eorum aliquem, juxta vim, formam, & effectum brevium, præceptor̃, warrantor̃, & mandatorum debite exequantur & returnentur, Ita quod nullus Vicecomes Com̄ noſtri, hæredum vel ſucceſſorum noſtrorum comitat̃ Ebor̃, vel aliquis alius Officiarius ſeu Miniſtr̃ noſtr̃, heredum, vel ſucceſſorum noſtrorum, neque aliquis alius, niſi tantummodo ſervientes ad clavas, aut eorum aliquis pro tempore exiſten' in neg. prædict' Majoris & Communi-

catis, & ſucceſſorum ſuorum in nullo ſe intromittat, aut intromittant quoquo modo. Et quod omnia & ſingula hujuſmodi brevia, præcepta, warranta, ſumm̃, attachiamenť, & mandata p̃ hujuſmodi ſervientes ad clavas, ſeu eorum aliquem execuť ſeu returnať ejuſdem vigoris & effectus in lege exiſtant, ac ſi etiam brevia, præcepta, warranta, ſumm̃, attachiamenť & mandata vicecomitibus noſtris, heredum vel ſucceſſoř noſtrorum prædicť Comitatu Eborum pro tempore exiſteñ, aut alicui alii Officiorum ſeu Miniſtrorum noſtrorum, heredum, aut ſucceſſorum noſtrorum direct, ac per hm̃odi Vicecom̃, Officiař, ſeu Miniſtř, aut eorum aliquem execuť & returnať fuiſſent. Conceſſimus etiam de uberiori gratia noſtra eiſdem Majori & Communitati, ac ſucceſſoribus ſuis, quod ipſi & ſucceſſores ſui habeant retornum, ac plenum retornum omnium & ſingulorum brevium, præceptorum, warranť, ſummoñ, attachiamenť, & mandatorum noſtrorum, hereď & ſucceſſorum noſtrorum, ac ſummoñ, attach. & diſtrictiones Scaccarii noſtri, hereď & ſucceſſorum noſtrorum, & executiones eorundem, infra manerium, dominium, villam, & ſocam de D. & cetera præmiſſa, at præcinctum eorundem, coram nobis, aut hereď vel ſucceſſoribus noſtris vel aliquibus Juſticiař noſtris, heredum, vel ſucceſſorum noſtrorum, ſive in Scaccario noſtro, hereď, vel ſucceſs. noſtrorum retornanď, tam ad ſectam noſtram, hereď & ſucceſſorum noſtrorum, quam ad ſectam alterius cujuſcunque, ſive aliorum quorumcunque proſecuť vel proſequenď ſeu retornanď: Ita quod nullus Vicecomes, aut alius Ballivus, ſeu miniſter noſter, hereď vel ſucceſſorum noſtrorum, manerium, dominium, villam, & Socam de D. prædicť, & cætera præmiſſa, vel præcinct prædicť, aliquo modo ingrediatur ad hm̃odi brevia, præcepta, warranť, ſummoñ, attachiamenta, ſive mandata, aut ſummon', attach. ſeu diſtrictiones Scaccarii prædicť, infra manerium, dominium, villam & Socam illam, ſive præcinctum prædicť faciendť, ſive exequendť, niſi ſit in defectu ipſorum Majoris & Communitatis, & ſucceſſorum ſuorum. Et ulterius concedimus p̃f. Majori & Communitati, quod ipſi & ſucceſſores ſui habeant Gaolam in loco competente, infra præcinctum dictæ villæ de D. pro quibuſcunque feloniis, tranſgreſſ. malefact' & aliis materiis & cauſis quibuſcunque arreſtandť, ſive attach', ſive eidem Gaol' committendť ibidem, ſecundum legem noſtram, ſalvo & ſecuř imprifonandť & cuſtodiendť. Eo quod &c. (*ut ſupra* 357.) Et volumus & concedimus per præſentes, quod omnia & ſingula præmiſſa fiant & liberenť præfať Majori & Communitať, & ſucceſſoribus ſuis, ſub magno ſigillo noſtř, abſque fine vel feodo, ſive aliquo alio inde nobis, hereď, vel ſucceſſoribus noſtris in Cancellař noſtra, aut in hanaperio Cancell' noſtræ, ſeu alibi quoquo modo faciendť, vel ſolvendť: In cujus rei teſtim̃ literas fieri fecimus patentes. Teſte meipſo apud Weſtm̃

xiiii. die Januar̃ Anno regni noſtri viceſimo. Nos autem &c. (*Verbatim ut ſupra.*)

A ſpeciall Liverie and Ouſter le maine.

ELizabeth &c. Sciatis &c. & licentiam dedimus, ac per præſentes con- Sect. 392.
cedimus & licentiam damus pro nobis, hæred̃, & ſucceſſoribus noſtris quantum in nobis eſt, dilecto & fideli ſubdito noſtro R.W. fratri & proxim̃ hæred̃ M.W. armig' defuncti, (Qui quidem M.W. de nobis tenuit in Capite die quo obiit, per ſervitium Militar̃) quocunque nomine, cognõine, ſive additione nominis, idem R.W. nominar̃, ſive nuncupar̃, qd̃ idem R.W. incontinen̄ abſque aliqua probatione ætatis ſuæ, & abſque aliqua alia liberatione ſeu proſecutione hæreditatis ſuæ, vel alicujus inde parcell' extra manus noſtras, hæred̃ vel ſucceſſorum noſtrorum, ſecundum curſum Cancellar̃ noſtræ, vel ſecundum legem & curſum curiæ noſtræ Wardorum & Liberac', vel legem terræ noſtræ Angl' ſeu aliquo alio modo proſequend̃, in omnia & ſingula dominia, maneria, meſuag', terr̃, tenementa, reverſion', feod̃, firm̃, villas, villar̃, hamlet̃, annuitates, reddit', ſervit̃, hundred̃, officia, prar̃, paſc', paſtur̃, moras, mariſcos, bruet̃, tolnet̃, cuſtumar̃, viſ. francipleg', cur̃, eſchaet̃, ballivas, libertar̃, franchef. warren', vivar̃, ſtagna, molendina, feod̃ Milit̃, advocationes, & patronat̃ Eccleſiarum, vicar̃, capellar̃, & nominationes ad eaſdem: Ac in omnia & ſingula alia poſſeſſiones, reventiones, & hæreditament̄ quæcunque, cum eorum juribus, membris, & pertinen' univerſis infra Regnum noſtr̃ Angliæ, Walliæ, aut Marchias eorundem, quæ fuerint prædict̄ M.W. & de quibus idem M. W. aut aliquis, vel aliqui anteceſſor̃ prædict' R.W. cujus hæres ipſe eſt, fuit, aut fuerunt poſſeſſionat̃, vel ſeiſit̃ in dominico ſuo ut de feodo, aut in feodo qualitercunque talliat̃, in dominico vel aliter, diebus quibus ſeparatim obierunt, aut die quo eorum aliquis obiit, vel de quibus aliqua perſona ſeiſit̃ fuit, aut aliquæ pſonæ ſeiſit̃ fuerunt conjunctim vel ſeparatim, ad uſum prædict' M.W. ſeu aliquorum anteceſſor̃ prædict̄ R.W. cujus vel quor̃ hæres ipſe eſt, in dominico ſuo ut de feodo, aut in feodo qualitercunque tall' in dominico, vel aliter, ad uſum dict' M.W. aut aliquorum hæred̃ ſuorum, vel ad uſum aliquorum talium anteceſſorum, aut talis anteceſſoris, & hæred̃ talium anteceſſorum, aut talis anteceſſoris diebus quibus ſeparatim obierunt, aut die quo eorum aliquis obiit. Et quæ per, ſive poſt mort̃ ipſius M.W. aut alicujus anteceſſoris, aut aliquorum anteceſſorum p̃dict' R.W. cujus hæres ipſe eſt, aut aliquo alio modo ad manus noſtras devenerunt, ſeu devenire debuerunt, aut deberent, aut in manibus noſtris jam exiſtunt, aut exiſtere debent, vel debuerunt, quæ p̃fat̃ R.W. in poſſeſſione, reverſione, vel in uſu deſcendere,

cendere,revertere,remanere,ptinere, seu ſpectare debēt,vel deberent,licite & impune ingredi,intrare, & ſeiſire poſſit. Ac ea omnia & ſingula præfat R.W. & hered ſui, prout ipſe in eiſdem poſt mortē p̄d M.W.aut aliquorum anteceſſorum p̄d R.W. cujus vel quorum hæres ipſe eſt hereditar extitit, in poſſeſſ. reverſione,aut in uſu, ſeiſir, habere,tenere, poſſidere, & gaudere poſſit & valeat,erga nos hæred',& ſucceſſores noſtros, abſq; aliqua alia liberatione ſeu proſecutione eorundem, ſeu alicujus inde parcell' extra manus noſtras,ſecundum curſum Cancellar noſtræ præd, aut legem terræ noſtræ ſeu aliquo alio modo per predictas perſonas, ſeu per earum aliquam proſequend vel impetrand. Nolentes quod prefatus R.W. nec hæred ſui, nec p̄d quæcunq. perſonæ ſive quæcunq; perſona, de aliquibus dominiis,maneriis,terris,tenementis,& cæteris præmiſſis ad uſum (ut præmittitur) ſeiſit,vel ſeiſit exiſten, vel exiſtent,ratione ingreſſus ſive occupationis & retentionis p̄d per ipſos, ſeu per eorum aliquem fact,aut habit, fiend & habend, per nos,hæred,ſeu ſucceſſores Juſticiar, Eſchaetor,Vicecom, Receptor,Ballivos,& miniſtros noſtros,hæred,vel ſucceſſorum noſtr quoſcunque moleſtentur, inquietent,vexentur,diſtringantur in aliquo,ſeu graventur, nec eorum aliquis moleſtetur,inquietetur,vexetur,perturbetur, diſtringatur in aliquo, ſeu gravetur. Nec quod iidem Juſticiar, Eſchaetor, Vicecomites, Receptor,Ball', & miniſtri noſtri, hæred vel ſucceſſor noſtr, nec eorum aliquis in p̄dict dominia,maneria,terr,tenement,& cætera præmiſſ.cum pertinen, ſive aliquam inde parcell', pro nobis, ſeu nomine noſtro ſe intromittant, vel eorum aliquis intromittat: Sed quod nos hæred, & ſucceſſores noſtri, quoad ſeiſiend & capiend in manus noſtras prædict dominia,maneria,terr,tenement & cætera p̄miſſ.cum p̄tinen,ſive aliquam inde parcellam, ratione alicujus noſtri tituli,clamei, vel intereſſe,quod vel qui nobis, hæred, & ſucceſſoribus noſtris p̄dict, p̄ ſive poſt mortem dicti M.W. vel alicujus alterius anteceſſoris, ſive aliquorum aliorum anteceſſor predict R.W, cujus, vel quorum ipſe hæres eſt, aut alicujus alterius perſonæ, ſive aliquarum aliarum perſonarum, de aliquibus domin, maner, terr, tenement, ad uſum ſupradict ſeiſit vel ſeiſit nuper exiſten, vel exiſten, accidit, competit,ſeu evenit,aut accider,cōpetet vel evenir poterit,ſumus excluſi imperpetuum per præſentes.Et quod idem R.W.& hæred ſui erga nos, hæredes & ſucceſſ. noſtros pro præmiſſis, & qualibet inde parcell quiet & exonerat exiſtent, & eorum quilibet quiet & exonerat exiſtet imperpetuum per præſentes. Et præterea pro nobis, hæredibus & ſucceſſoribus noſtris concedimus per præſentes præfat R.W. necnon predict quibuſcunque aliis perſonis, & cuicunque alii perſonæ de aliquibus dominiis, maneriis, terris, tenementis, & cæteris præmiſſis, cum pertinentiis, ad uſum ſuperius recitat ſeiſit nuper exiſten', vel exiſten', quod

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ipſi habeant, & quilibet eorum habeat de tempore in tempus, toſ & talia brevia mandat̃, ac warrant̃ noſtra ſufficien' Iuſticiar̃ noſtris, Baronibus de Scaccario noſtro, Eſchaetoribus, Vicecomitibus, Receptoribus, Ballivis, & miniſtris quibuſcunque, & eorum cuilibet dirigend', quot & qualia eis & eorum cuilibet pro exoneratione ſua verſus nos, hæred', & ſucceſſores noſtros in ea parte neceſſaria erunt & opportuna. Et ulterius de uberiori gracia noſtra damus & concedimus præfat̃ R. W. necnon prædict̃ quibuſcunque aliis perſonis, & cuicunque alii perſonæ de diverſis maneriis, terris, tenementis, & cæteris præmiſſis, cum pertinentiis, ad uſus ſuperius recitat̃ ſeiſit̃, vel ſeiſit̃ exiſten', quod hujuſmodi ingreſſus, ſeiſin', poſſeſſio, ꝓceptio, & occupatio, de, & in diverſis maneriis, terris, tenementis, & cæteris præmiſſis, cum pertinentiis, & qualibet inde parcell' per dict̃ R. W. aut per prædictam quamcunque aliam perſonam, aut quaſcunque alias perſonas, de diverſ. manerr̃, terr̃, tenementis, & cæteris præmiſſ. ſive aliqua inde parcell' authoritate harum conceſſionis & licentiæ noſtrarum fact' & habit̃, fiend' & habend', ſit eis & eorum cuilibet, & hæredibus ſuis, ac hæred' eorum cujuſlibet, prout ipſe in eiſdem hæreditabil' ut præfertur extitit, adeo bonæ, validæ, & efficacis, ac tanti vigoris & effectus in lege, ac ſi eadem dominia, manerr̃, terr̃, tenement̃, & cætera præmiſſ. cum ſuis pertinentiis, & quælibet inde parcell' in manus nr̃as debito modo capt̃ & ſeiſit' fuiſſent. Ac idem R. W. & quecunque aliæ perſonæ, & quecunque alia perſona de aliquibus diverſ. maneriis, terr̃, tenement̃, ad uſum ut præmittitur ſeiſit', vel ſeiſit' exiſten', vel exiſten' debitam liberationem eorundem dominiorum, maneriorum, terrarum, tenementorum, & cæterorum præmiſſorum, cum pertinentiis, extra manus noſtras, ſecundum curſum Cancellar̃ noſtræ prædict̃ & ſecundum legem terr̃ noſtræ, rite & debit̃ proſecut̃ fuiſſent: Ac nobis de omni eo quod ad nos in ea parte pertiner, ſeu pertinere poſſit, debet, aut deberet, ſatisfact̃ fuiſſet & content̃, aliqua negligentia, omiſſion', miſpriſion', erroꝝ, repugnantia, contrarietat̃, aut aliquo alio defectu quocunque limitat̃, vel limitand', aſſigñ vel aſſignand' in aliquo non obſtante: Homagio tamen & fidelitat̃ prædict̃ R. W. nobis in hac parte debit̃ ſeu debend' ſemper nobis ſalvis & reſervat̃. Et ulterius (*ut ſupra*) præfat̃ R. W. omnia & ſingula exit̃, reddit̃, proficua, reventiones, & emolument̃ quæcunque omnium & ſingulorum prædictorum dominiorum, maneriorum, terrarum, tenementoꝝ, & cæteroꝝ præmiſſoꝝ, & cuilibet inde parcell', cum omnibus & ſingulis ſuis pertin̄, à tempore quo p̄d R. W. accrevit plenam ætatem ſuam viginti unius annoꝝ hucuſq; & extunc provenien̄, exeun̄, emergen̄, ſive creſcen̄, & nobis qualitercunq; debit̃ ſive ſpectan'. Habend', levand', recipiend', gaudend', & retinend', omnia & ſingula eodem exit̃, reddit̃, proficua, reverſiones, & emolumenta eidem R. W. exe-

cutoribus & assignatis suis, de dono nostro, tam per manus suas proprias: quam per manus seperalium, nuper nunc & imposterum Eschaetor, feodar, superviſor, vicecom, receptor, ball', & aliorum occupatorum quorumcunque eorundem, sive alicujus inde parcell' pro tempore existent: Necnon aliorum officiariorum nostrorum quorumcunque in seperalibus Com. in quibus dict' dominia, maneria, terr, tenement & cætera præmiss cum pertinen existunt, sive aliqua inde parcell' existit absque compoto, respons, seu aliquo alio nobis, hæred, & succesſoribus nostris pro præmiſſis, sive aliquo præmiss. reddend, solvend, seu faciendum. Et ulterius volumus & concedimus per præsentes, quod tam prætat R.W. quam omnes nuper nunc & imposterum Eschaetor, feodar, superviſor, vicecom, receptor, ball', firmar, & occupator de hmodi reventionibus, exit, reddit, & proficuis seu aliquo præmiss. à prædict' tempore quo prædict' R.W. accrevit plenam ætatem suam viginti unius annorum, hucusque & extunc provenien, exeun, emergen, sive crescen, absque compoto, respon', seu aliquo alio nobis, hæred & succeſſoribus nostris inde reddend, solvend, seu faciend, erga nos, hæred, & succeſſores & executores nostros quiet & exonerat existent, & eorum quilibet quiet & exoner existet imperpetuum per præsentes: Et ulterius de uberiori gratia nostr, ac ex certa scientia & mero motu nostris, pro nobis, hæredibus, & succeſſoribus nostris, perdonavimus, remiſimus, & relaxavimus, ac per præsentes perdonamus, remittimus, & relaxamus præfat R.W. omnes & omnimod intruſiones & ingress, per dict' M.W. aut per prædict' R.W. cujus hæres ipse est, aut per aliquam aliam personam, sive aliquas alias personas ad ejus usum seisit vel seisit, de, & in prædict' dominiis, maneriis, terr, tenement, & cæteris præmiſſis, seu aliqua inde parcella, quæ de nobis, vel de aliquo alio tenen qualitercunque ante præsentem diem, habit, fact, aut perpetrat: Necnon omnes & omnimod perquisitiones, alienationes, donationes, fines, compot, & forisfactur de prædict' dominiis, maneriis, terris, tenement, & cæteris præmiſſis, cum omnibus & singulis suis pertin, vel aliqua inde parcell', per dict' M.W. aut per prædict R. W. aut per aliquam aliam anteceſſor ejusdem R.W. sive aliquas alias personas, ante mortem dicti M.W. sine licentia nostra habit, fact, aut perpetrat: Necnon omnes & omnimod actiones, sectis, querelas, impetitiones, executiones, & demand quæcunque quas vel quæ versus præfat R.W. vel aliquem anteceſſor præfat R.W. sive aliquas alias personas de & in præmiss. vel eorum aliquo habuimus, habemus, seu in futur habere poterimus ullo modo. Proviſo semper p hæ literæ nostræ patentes, nec aliquid in eisdem conten, aliqualiter se extend ad onerand præfat R.W. vel aliquam aliam personam, sive aliquas alias personas, aut prædict dominia, maner, terr, tenement, & cætera præmiſſa, sive

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aliquam inde parcel', de & pro aliquo debito, ratione alicujus recognitionis ſive obligation nobis, ſive alicui progenitor noſtrorum, ſive alicui alii perſonæ, ad uſum noſtrum cognit ſeu deliberat, Eo ꝙ expreſſa mentio de &c,

Per billã Cur Ward & liberac' &c.

Bargaines and Sales.

Bargaine and Sale what? and of the inrolment thereof.

VNto Grants, and Contracts, ſucceed Bargaines and Sales, which be of Manors, Lands, Tenements, Hereditaments, and other things, to transfer the propertie thereof from the Bargainor to the Bargainee for money: But no Manors, Lands, Tenements, or other Hereditaments can paſſe, alter, or change from one to another, whereby any eſtate of inheritance or freehold is made, or taketh effect in any perſon or perſons, or any uſe thereof is made, by reaſon onely of any bargaine and ſale thereof, except the ſame be made by writing indented, ſealed, and inrolled in one of the Courts of Record at Weſtminſter, or within the ſame Countie or Counties where the Tenements ſo bargained doe lie, before the *Cuſtos Rotulorum*, and two Juſtices of the Peace, and the Clerke of the Peace of the ſame Countie or Counties, or two of them at the leaſt, whereof the Clerke of the Peace to be one, and that within 6. moneths after the date of ſuch writings indented, 27 *H.*8.c.16. And they are made as followeth. Sect. 393.

A Bargaine and Sale of a meſuage and lands, &c.

THis Indenture made &c. Betweene I.B. W.B. and N. of the one party, and T.P. on the other party, Witneſſeth, that the ſaid I.B. W.B. and N. for, and in conſideration of one C. li. of lawfull Engliſh money to the ſaid &c. have bargained, ſold, given, and granted, and by theſe preſents doe fully, cleerely, and abſolutely bargaine, ſell, give, and grant unto the ſame T.P. all, and all manner of thoſe meſſuages, lands, tenements, meadowes, paſtures, feedings, and all other hereditaments whatſoever, being freehold or charterhold, ſet, lying, and being in the Townes and fields of &c. or any of them, in the County of N. which late were the meſſuages, lands, &c. of R.W. in uſe, poſſeſſion, right, reverſion, or remainder. To have and to hold the ſame meſſuages, lands, &c. with all and ſingular the appurtenances, &c. unto the ſame T.P. his Sect. 394.

heires

heires and assignes for ever, to the onely use and behoofe of the said T. P. his heires and assignes for ever. And the said I. B. and W. B. and every of them doe covenant, &c. that they the said I. B. and W. B. or one of them now beene, or is true and rightfull owner or owners &c. of all &c. before by these presents mentioned to be bargained and sold, and that the said premisses and every parcell thereof, now be, and so shall continue cleerely discharged and exonerated, of, and from all other former bargaines &c. As in covenants to be discharged, with reasonable exceptions. And the said R. C. I. B. &c. that they the said I. B. W. R. and the survivors of them, and the said N. and all and every other person and persons and their heires, now having, or which hereafter shall or may justly claime to have any right, title, estate, or inheritance, in and to the afore bargained premisses, or any parcell thereof, shall at all times within seven yeares next after the date hereof, doe, suffer, acknowledge, &c. As in covenants of further assurance. And the same R. C. I. D. and W. B. &c. that they the said &c. or one of them, their heires, executors, &c. shall deliver, or cause &c. to the said T. P. his heires, &c. to the use of the said T. P. his heires and assignes, before the feast of &c. As in covenants to deliver evidences. And the same R. I. and W. &c. that if it shall fortune A. B. &c. or any of them, which doe or shall stand joyntly and severally bounden with the said R. C. and I. B. to the said T. P. by one writing obligatory, bearing date &c. in one hundred and fifty pounds, indorsed with condition for the performing, fulfilling, and keeping of the covenants, grants, articles, and agreements contained in these &c. of the part of the said &c. their executors &c. to be performed and kept, or either of them to depart this present life, before any perfect, sufficient, and convenient assurance be made from the said &c. or either of them, or any other person or persons that hereafter shall be the right heire or heires of the said H. B. or of the said I. and W. that then the said R. C. I. B. and W. B. or one of them, their heires &c. of them, shall within one quarter of a yeare next after the death of any of them, the said R. C. I. B. W. B. A. B and S. F. cause the Survivor or Survivors of the said obligors, together with so many other good and sufficient persons, in the steed of such, and so many of the said obligors as shall be then deceased, to become joyntly and severally bounden by their writing obligatory, as their deed sufficient in the Law to the same T. P. his executors or assignes, in 150. pounds of good and lawfull money, &c. indorsed with such like condition in effect according to the true meaning hereof, as is contained in the indorsement of the same former obligation: so that the same T. P. his executors or assignes, will upon the delivery of the same writing obliga-

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toꝛy, deliver out the foꝛeſaid foꝛmer Obligation to the ſame R. C. his executoꝛs oꝛ aſſignes to be cancelled, In witneſſe, &c.

A Bargain and Sale of lands forfeited upon a Mortgage.

THis Indenture, &c. Witneſſeth, That whereas one R. B. by his deed indented, Dated &c. did giue &c. unto the ſaid W. W. his heires and aſſignes, to the uſe of the ſame W. W. his heires and aſſignes, (rehearſing the lands:) upon this condition, That if the ſaid R. B. ſhould pay, oꝛ cauſe to be payed to the ſaid W. W. oꝛ his certaine atturney, executoꝛs oꝛ aſſignes, the ſumme &c. in manner and foꝛme following: That is to ſay &c. at the feaſt &c. in full payment &c. and alſo upon other conditions in the ſaid deed indented, ſpecified, and mentioned: Which ſaid conditions foꝛ the payments of the ſaid &c. the ſaid R. B. hath broken and not perfoꝛmed, by reaſon whereof the ſaid W. W. is preſently ſeiſed of the ſaid premiſſes with the appurtenances to him and his heirs, without any manner of condition, foꝛ ever. Wherefore the ſaid W. W. foꝛ the ſumme &c. doth by theſe preſent Indentures plainly and fully bargaine and ſell unto the ſaid R. B. his heires and aſſignes foꝛ ever, the lands befoꝛe moꝛgaged, &c. All ſuch covenants to be put in this Indenture, as in the Indenture of Bargaines and Sales before in this booke, for acts done by the vendee onely. And over this the ſaid W. W. foꝛ him, his heires, &c. doth covenant &c. by theſe preſents, that neither he the ſaid W. W. oꝛ any other foꝛ him, oꝛ by his commandement oꝛ agreement, hath receiued of the ſaid R. B. oꝛ of any other perſon oꝛ perſons, the aboueſaid ſumme &c. at the dayes and times befoꝛe remembꝛed, oꝛ appointed foꝛ the payment thereof, noꝛ at any time oꝛ times after the ſame dayes: Noꝛ that the ſaid R. B. oꝛ any other foꝛ him hath payed, oꝛ offered to pay the ſaid ſumme &c. at the dayes and times aboꝛeſaid, oꝛ at any time oꝛ times after the ſame day of payment. And over this alſo, that he the ſaid W. W. his heires, executoꝛs, oꝛ aſſignes, hath not made, noꝛ hereafter ſhall make unto the ſaid R. B. his heires oꝛ aſſignes, oꝛ any of them, any acquitance, releaſe, oꝛ diſcharge of the ſaid ſumme of &c. oꝛ any parcell thereof, oꝛ of any condition oꝛ conditions ſpecified in the ſaid deed indented. In witneſſe, &c.

Sect. 359.

A Bargaine and Sale of a Manor.

Sect. 396. THis Indenture made &c. **Betweene the high and mighty Prince H. Duke of S. Marques Dorset, Lord &c: of the one party, and A. F. &c.** Witnesseth, **that the said D. for and in consideration as well of the sum &c. to him by the said A. F. at the ensealing of these present Indentures, well and truly satisfied, contented and paied &c. and also for the sum of &c, to him the said D. to be paied, in manner and forme hereafter in this present Indentures declared, hath given, granted, bargained, and sold, and by these presents &c. to the said A. F. all that his Manor of H. with the appurtenances in the said County of S. and also his messuage, grange, cottages, milles &c. lands, tenements, meadowes, leasures, pastures, parkes, commons, waste grounds, firres, heathes, marishes, woods, underwoods, waters, wayes, fishings, rents, reversions, services, courts, profits of Courts, leets, viewes of frankpledge, and all that to his view of frankpledge doth appertaine, goods and cattels waived and strayed, goods and cattels of felons, and fugitive persons, fees, wards, marriages, escheats, reliefes, heriots, fines, amerciaments, liberties, privileges, and all other profits, commodities, emoluments, and hereditaments whatsoever in H. aforesaid, and elsewhere, within the County of S. aforesaid, to the said Manor belonging, or in any wise appertaining, or accepted, reputed, or taken as part, member, or parcell of the same manor, in as large and ample manner and forme, as the same D. hath the same. And also the advowson, gift, free disposition and right of patronage of the Rectory and Church of the manor of H. aforesaid. And also all manner deeds &c.** As in sale of writings, with covenant to deliver them, *infra* 399. b. **To have and to hold the said manors, messuages, &c. And the said D. &c. that he the same D. his heirs and assignes, on this side, or before the feast of &c. shall make, or cause to be made &c.** As in covenants of assurance. **And that he the same D. and his heires, as well as the said A. F. and his heires and assignes &c. all the said manors, lands, tenements, and other the premisses and every part or parcell thereof, shall be clearly eronerated &c.** As in covenants of discharging, **rents, services, and customes, from thencefoorth to be paied, or going out, or from the said manors, lands, tenements, or other the premisses to the Queene our Soveraigne Lady, or to any other person or persons, and all leases, grants, for terme of yeares, and life, or lives, or by copy of Court Roll of the said manors, and other the premisses, or any part or parcell thereof heretofore made, whereupon the ancient and accustomed rents or more beene reserved**

yearely,

yearely,only excepted. And the ſame D.&c.that the ſaid manors, lands, tenements, and other the premiſſes beene at the day of th'enſealing of theſe preſent Indentures, of the cleare yearely value of xx. pound, over and above all yearly charges and repriſes, and ſo the ſaid yearly rent ſhall & may ſtand and continue without fraud or covin. In conſideration of the which bargaine and ſale, and other covenants,grants, articles and agreements made on the part and behalfe of the ſaid D. well and truly to be obſerved, performed,fulfilled and kept, according to the intent, purport,and true meaning of theſe preſent Indentures. The ſaid A. F. covenanteth &c. that he the ſaid A. F. his heires and aſſignes, at, or before the feaſt of &c.next comming after the date of theſe preſents, at the manſion houſe of the ſaid D.commonly called S. in the Parith of Saint P. in the field, in the County of &c. betweene the houre of nine and xi. of the clocke of the forenoone of the ſame day, ſhall content and pay or cauſe to be contented and payed to the ſaid D. the ſumme of &c. for the purchaſe, cleare bargaine and ſale of the ſame manors, lands &c. and other the premiſſes. In witneſſe,&c,

A Bargaine or Sale of Annuities.

THis Indenture,&c. Witneſſeth, that the ſaid W. for him, his heires and executors, hath bargained and ſold &c.the yearely rent or Annuity of five pounds &c. going out of the manors of W. and C. And alſo the ſaid W. bargaineth and ſelleth &c. one other annuall or yearly rent or annuity of x. pounds alſo, yearely going out of &c. and all his right,title, and intereſt, in and to the ſaid ſeverall annuities, and to either of them: To have, hold, injoy, levy, take, and receive the ſaid ſeverall Annuities and yearely rents of five pounds, and ten pounds to the ſaid R.&c at the feaſt of &c. And furthermore the ſaid W. covenanteth &c. that he the ſaid W. and his heires before the feaſt of &c.ſhall make a good,ſure,and ſufficient eſtate, and lawfull grant in fee ſimple to the ſaid R. and his heires and aſſignes,of and in the ſaid ſeverall annuities or yearly rents or &c. diſcharged &c. And furthermore the ſaid W. covenanteth &c. with covenants that the vendor may lawfully diſtraine for the rent, amd that he is ſeiſed,&c.In witneſſe whereof &c. Sect. 397.

A Sale of a Reverſion.

THis Indenture &c.Betweene &c.Witneſſeth,that the ſaid R. the day of the making hereof,hath bargained &c. unto the ſaid B.and unto his heires for ever, all the reverſion when it ſhall happen to come and fall, Sect. 398.

fall, incontinently by and after the death of I. G. grandmother to the said R. of, and in all those lands, &c. and all his right, claime, title, use, possession, and interest, of, and in the same, who is tenant thereof for terme of her life. In witnesse, &c.

A Bargaine and Sale of a Reversion.

Sect. 399. THis Indenture made &c. Betweene R. B. of N. in the County of S. Gentleman, and R. his wife of the one party, and T. S. of G. in the County of S. Clothier on the other party, Witnesseth, that the said R. B. and R. his wife, for the summe of &c. to them by the said T. S. well and truly contented and paid at th'ensealing hereof, whereof and wherewith the said R. B. and R. his wife acknowledge themselves well and truly to be contented and paid, and thereof, and of every part and parcell thereof doth clearely acquite and discharge the said T. S. his heires and executors, by these presents, have bargained and sold, and by these present Indentures doe bargaine and sell clearly unto the said T. S. his heires and assignes, the reversion of all those their lands and tenements with the appurtenances in G. aforesaid, called and knowne by the name of &c. thereunto belonging or appertaining, or with the same of late used or to ferme letten, be it more or lesse, late in the tenure and occupation of T. C. and E. his wife, mother to the said R. as in the right of the said R. during her naturall life, or of their assignes, and now in the tenure of T. S. for terme of yeares yet induring of the lease and demise of the said T. C. and E. Together with all such deeds, charters, evidences, escripts, writings, and muniments, concerning the premisses only, or any part or parcell thereof, as now be in the possession, custody, and keeping of the said R. or in the custody or keeping of any other person or persons to his use, or by his delivery, and which he may come by without any suit in the law. And the same deeds, charters, evidences, escripts, writings and muniments, the said R. B. and R. his wife, covenanteth and granteth by these presents, to and with the said T. and his heires, to deliver, or cause to be delivered to the said T. S. his heires, executors, administrators, or assignes, before the feast of All-Saints next comming after the date hereof. To have and to hold the reversion of &c. with their appurtenances to the said T. S. his heires and assignes, to his and their owne use for ever, for, or according to such rate and yearly value, as the overplus of the said lands so exchanged by the said R. H. with the said T. S. shall come and amount unto, over and above the yearly value of the said manor, and other the premisses exchanged by the said T. S. with the said R. H. according to the rate and extent of twenty yeares purchase. Provided alwayes, and it is covenanted and agreed betweene the said parties

T.

T.S. and R.H. by theſe preſents, that the ſaid lands, tenements, and other the premiſſes, ſhall be reaſonably and indifferently rated, extended, and valued: And that after ſuch extent, rate, and value of the premiſſes ſo had and made, the ſaid T.S. his heires, executors, or adminiſtrators, ſhall content and pay to the ſaid R.H. his heires, executors or aſſignes, within the ſpace of twelve moneths, next after notice given to the ſaid T.S. his heires or executors, all ſuch ſummes of money, as the ſaid overplus ſhall be valued and rated to amount unto, in forme aforeſaid, according to xx. yeares purchaſe. And furthermore, it is covenanted &c. that either of the ſaid parties to theſe preſents, and the heires of either of them, ſhall at all time and times hereafter, during the ſpace of three yeares next inſuing the date hereof, do & ſuffer to be done, all and every ſuch reaſonable act or acts, the one of them to the other, as ſhall be reaſonably deviſed or adviſed by either of the ſaid parties, the heires or aſſignes of either of them, or the learned counſell of either of them, for more better aſſurance and ſure making of the ſaid manors, &c. and all other the premiſſes with their appurtenances, exchanged betweene the ſaid parties by theſe preſents, according to the true intent and meaning hereof, be it by fine ſcoffement, recovery, deed, or deeds inrolled, releaſe, confirmation, or otherwiſe with warranty, onely of the ſaid parties and their heires, againſt themſelves, and their heires. In witneſſe whereof &c.

A Bargaine and Sale of the Patronage of a benefice.

THis Indenture made, &c. in the yeare of &c. Betweene H.D. on the one party, and H.S. on the other party, Witneſſeth that the ſaid H.D. for certaine conſiderations, and alſo for the ſumme of &c. hath bargained and ſold, and by theſe preſents doth clearely and fully bargaine and ſell unto the ſaid H.S. all that the Advowſon, Patronage, right of patronage, gift, nomination, preſentation, and free diſpoſing, of, and unto the Parish Church of T. in the County of C. together with all and all manner of evidences, deeds, writings, and muniments, concerning the ſaid advowſon and patronage of the Church aforeſaid. To have and to hold the aforeſaid advowſon, and all other the premiſſes with the appurtenances unto the ſaid H.S. his heires and aſſignes, to the onely uſe and behoofe of the ſaid H.S. his heires and aſſignes for ever. In witneſſe, &c. Sect. 400.

A Bargaine and Sale of Copihold lands.

THis Indenture, &c. Betweene M.R. widow, late the wife of T.R. while he lived, Citizen and Taverner on the one party, and R.B. Serjeant at the Law on the other party, Witneſſeth, that the ſaid Sect. 401.

ſaid M. and T. have bargained &c. to R. B. all the meſuages &c. whether they be freehold or copyhold, or whatſoever tenure they be of. And the ſaid M. and T. &c. that they ſhall make the ſaid R. and his heires, or him, and other perſons and their heires, at the nomination of the ſaid R. or his heires, ſure of the ſaid meſuage &c. before the feaſt of &c. nert comming, by ſurrender thereof into the Lords hands, to the uſe of the ſaid R. and his heires, to the uſe of him and other perſons by him to be named, and to their heires, or otherwiſe, at the expences, coſts and charges in the Law of the ſaid M. and T. or one of them, their executors or aſſignes. And alſo at the like expences, as well for the Lords fine, as for other things, ſhall cauſe the Lord of the Manor for the time being, of whom the ſaid meſuage, and all other the premiſſes be holden, to make a ſure grant, ſeiſin, poſſeſſion, and delivery, of and in all and ſingular the ſame to the ſaid S. and his heires, or to him, and other perſons at his nomination, and to their heires, according to the laudable uſe and cuſtome of the ſame Manor heretofore uſed. And furthermore the ſaid M. covenanteth and granteth, that if the ſaid R. or ſuch perſons at his nomination, which ſhall have the ſaid meſuages &c. and other the premiſſes, without covin or colluſion be lawfully evicted, diſpoſſeſſed, or diſſeiſed of the ſaid meſuage, &c. before the feaſt of Eaſter nert comming: That then the ſaid R. and his heires, ſhall within the ſpace of three moneths nert after any ſuch eviction, diſpoſſeſſion, or diſſeiſin, have as much lands and tenements of the aforeſaid M. and T. which they or either of them have or had in their poſſeſſion, reverſion, or uſe, at the election and pleaſure of the ſaid R. as ſhall amount to, and be of the cleere yearly value of the ſaid meſuage, &c. or of as much part thereof, as the foreſaid R. ſhall be ſo lawfully evicted and diſſeiſed of, or that ſhall not be aſſured to the ſaid R. before the feaſt of Eaſter above rehearſed. To have and to hold &c. And alſo the ſaid M. bargaineth and ſelleth to the ſaid S. all manner of ſtuffe, goods, habilliments, and implements to them, and either of them pertaining and belonging, being in the ſame meſuage, garden, houſes, &c. at the day of ſealing of theſe preſents. And the ſaid M. and T. doth grant, that they ſhall diſcharge &c. the yearly rent of &c. And that the ſaid R. ſhall have and take the profits, from the feaſt of S. Michael laſt paſt &c. For which ſale and bargaine of all and ſingular the premiſſes on the part of the ſaid M. and T. to be obſerved, performed, and done, the ſaid R. hath contented and paid, &c. In witneſſe, &c.

A Sale of a Wardſhip.

Sect 402. THis Indenture, &c. Witneſſeth, that where our Soveraigne Lady the Queenes Majeſty that now is, of her ſpeciall grace, certaine knowledge,

knowledge, and meere motion, by her Highneſſe Letters Patents, ſealed with the great Seale of England, bearing date &c. did giue &c. to the ſaid H.S. by the name of her Highneſſe faithfull and well beloued ſeruant H.S. Eſq. the cuſtody of the body and marriage of H.L. her Highneſſe Ward, ſonne and heire to H. who at the day of his death did hold certaine lands and tenements in B. of N. of I.C. our Soueraigne Lady the Queenes Highneſſe Ward, as of his Manor of K. in the ſaid County &c. now being in the Queenes Maieſties hands, by reaſon of the minority of the ſaid I.C. by the third part of one Knights fee. To haue, poſſeſſe, and enioy the cuſtody of the body and marriage of H.K. vntill ſuch time as the ſaid S. his heires or aſſignes ſhall haue had, or taken the effect of the ſaid marriage of the ſaid H.C. as by the letters Patents more plainly appeareth: The ſaid H.S. now by theſe preſent Indentures, for the ſumme of &c. of good and lawfull &c. to him by the ſaid E.K. payd and truly contented &c. doth plainly and fully bargaine, ſell, giue, and grant vnto the ſaid E.K. his executors or aſſignes, the cuſtodie and wardſhip of the body and marriage, without diſparagement, of the ſaid H.K. and alſo the Letters Patents aforeſaid: To haue, enioy, and poſſeſſe the ſame cuſtody and wardſhip of the body and marriage of the ſaid H.K. without diſparagemenc of the ſaid E.K. his executors and aſſignes, vntill ſuch time as the ſaid E.K. his executors, adminiſtrators, and aſſignes, ſhall take or haue the effect of the marriage of the ſaid H.K. in as ample and large manner and forme, as the ſaid H.S. the cuſtodie, wardſhip, or marriage hath by the ſaid Letters Patents or otherwiſe. And the ſaid E.K. doth couenant &c. that the ſaid H.S. &c. or ſuch other perſon or perſons, as the ſaid H.S. by his laſt will and teſtament, or otherwiſe, ſhall thereunto name or appoint, ſhall and may haue the cuſtody, poſſeſſion, and education of the ſaid H.K. during the minority of the ſaid H.K. without any let, impediment or diſturbance of the ſaid E. &c. or any of them. And that he the ſaid H.K. his heires and aſſignes, ſhall quietly and peaceably haue, and for euer enioy all lands, tenements, ond hereditaments that to them doth belong, without any let, impediment, or interruption of the ſaid E. his executors, adminiſtrators, or aſſignes, or any of them, for, or by reaſon of any value of marriage, or forfeiture of marriage, &c. In witneſſe &c.

Of a Bargaine of Wheat.

THis Indenture made betweene A.B. &c. and C.D. &c. Witneſſeth, Sect. 403.
that the ſaid A.B. had bargained and ſold, and by theſe preſents bargaineth and ſelleth vnto the ſaid C.D. x. quarters of Wheat, and xx.

quarters of Rie, good Wheat, and Rie, cleane and merchantable, with the best, accompting viii. bushels with the heape to every quarter. All which rr. quarters of Wheat, and rr. quarters of Rie, the said A. B. doth covenant, &c. that he, his executors or assignes, at his or their owne cost and charge, shall deliver, or cause to be delivered to the said C. D. to his executors or assignes, franke and free, at the dwelling house of the said C. D. at L. aforesaid, before the feast of &c. For the bargaine and sale of all which rr. quarters of Wheat and rr. quarters of Rie, and for the delivery thereof in manner and forme aforesaid, the said C. D. covenanteth &c. to pay or cause to be payed to the said A. B. his executors or assignes, for every quarter of the said Wheat eight shillings &c. and for every quarter of the said Rie, sixe shillings &c. in manner and forme following: That is to say, &c. In witnesse whereof, &c.

A Sale of Timber.

Sect. 404. THis Indenture made &c. Witnesseth, that the said I. B. for a certaine sum of money to him in hand payd by the said R. S. whereof the said I. B. knowledgeth himselfe &c. hath bargained and sold, and by these presents for him, his heires, executors and assignes, for ever doth bargaine and sell xl. Okes as they stand now and grow in a certaine wood called by the name of B. within the parish of D. in the said County of S. and as the same forty Okes and every of them are before the inselling and delivery of these present Indentures, signed and marked by the full assent and agreement of the said parties. To have and injoy the said forty Okes so signed, and marked, with all commodities belonging to the same, unto the said R. S. his executors and assignes from the day of the date &c. as well the said R. his executors and assignes and servants, to have free liberty of accesse, recesse, course and recourse, at all times, at their will and pleasure, to and from the said wood called B. without any let, deniall or interruption of the said I. B. his heires or assignes, as also to hew, square, saw and barke the same Okes, or any of them. And also to use any device with horse, carts and waines, and all other devices for the carrying away of the same forty Okes, and every of them. And also that the said R. S. his executors and assignes, to have free liberty untill the feast &c. to dig pits, called saw pits, within the said wood called B. where he thinketh best, so that the same pits be filled up againe by him the said B. his executors or assignes, within sixe weekes after the carrying away of the said wood & trees. And that he the said R. S. his executors or assignes, shall fence and amend the hedges and fences, in, and about the premisses, in all such places as shall be broken, troden downe, or otherwise wasted by occasion of the premisses, at his or their charges, on this

this ſide &c. taking ſufficient hedgebote upon the ſame grounds for the doing of the ſame. Provided alwayes that the ſaid R. S. his executors, aſſignes, or ſervants, ſhall at no time hereafter lawfully doe any hurt or dammage, either of the graſſe or corne, other then for the neceſſary cutting, ſawing, and carrying of the ſaid wood and trees. In witneſſe &c.

A Sale of Wood.

THis Indenture &c. Witneſſeth, that the ſaid A. B. the day of the making hereof, hath bargained and ſold, and by theſe preſent Indentures doth clearely bargaine and ſell unto the ſaid C. all thoſe his woods and underwoods, now ſtanding and growing, in and upon his groves or hedggroves called M. in the Pariſh of N. in the County of Eſſex. And the ſaid C. doth covenant and grant by this Indenture, that he, his Executors or Aſſignes ſhall leave ſtanding, in and upon the foreſaid lands called M. competent and ſufficient ſtathels and ſtorers, according to the cuſtome in the ſame Countrey heretofore uſed: And alſo the ſaid C. doth covenant and grant by this Indenture, that he, his Executors or Aſſignes, at their owne coſts and charges, all hedges and defences belonging to the ſaid groves and hedgegroves, well and ſufficiently ſhall amend, reſtore and repaire, when and as often as need ſhall require, from the day of the felling of the ſaid woods, to the end and terme of &c. then next inſuing, for the ſafegard of the ſpringes growing upon the ſame. And the ſaid C. doth further covenant and grant by theſe preſents, that he, his Executors or Aſſignes, ſhall not fell any of the ſaid woods or underwoods, but in due and ſeaſonable times of felling: that is to ſay, yearly betweene the Feaſts of Saint Michael the Archangel, and the Annuntiation of our bleſſed Lady the Virgin, from the Feaſt of Saint Michael the Archangel next comming after the date hereof, to the end and terme of &c. from thence next inſuing, fully to be compleat and ended. And the foreſaid A. B. for his part doth covenant and grant by this Indenture, that the ſaid C. his Executors and Aſſignes, ſhall have free ingreſſe & regreſſe, to and from the ſaid woods and underwoods, with horſe, cart, and carriage, at all times according to his pleaſure for the felling, hewing, cutting downe, and carrying away the foreſaid underwoods, in manner and forme afore declared, during all the foreſaid terme, without let or interruption of any perſon or perſons. For the ſale and bargaine of all which woods and underwoods, the ſaid C. doth covenant and grant by theſe preſents, to pay or &c. of which &c. the ſaid H. B. knowledgeth himſelfe well and truly ſatisfied and payed, and thereof and of every parcell of the ſame clearly doth acquite

Sect. 405

and discharge the said I. his heires and executors by these presents. In witnesse &c.

A Bargaine and Sale of woods.

Sect. 406. THis Indenture &c. Witnesseth, that the said R. hath bargained and sold &c. all those his woods and underwoods, called and knowne by the name of &c. except the land and soile of the said woods and underwoods, and also waivers called standers of &c. onely excepted and reserved to the said R. and to his heires, executors, and assignes. And the said T. covenanteth, that he the said T. shall fell and carry away all the said woods and underwoods (except before excepted) within two yeares next insuing the date of these presents, at meet and seasonable times in the yeare, so that the spring of the same woods may come and grow againe in due course. And the same T. covenanteth &c. *ut supra* 405. And further the said T. covenanteth &c. that he the said T. shall acquite, discharge, and save harmelesse the said R. his executors, and assignes, against all men, of, and for the payment of any manner of tithe which shall happen hereafter or rise to be due or demanded, of, and sold, as is aforesaid. Provided always, and it is further covenanted &c. that if it happen the said T. hereafter lawfully to be interrupted &c. by any person or persons pretending any lawfull title to the premisses, within one yeare next insuing the date of these presents, so that he cannot or may not lawfully take, fell, and carry away the said wood, according to the true meaning of these presents, and of the covenants comprised within the same: That then the said R. or his executors shall allow and pay unto the said T. his executors or assignes, the value of the said woods that shall happen to be lawfully taken away from the said T. after the reasonable rate and value of the said woods that so shal happen to be lawfully taken away from the said T. his executors or assignes, contrary to the true meaning of these presents, &c.

Defeasances.

A Defeasance of a Rent by obtaining estate in lands.

Sect. 407. THis Indenture &c. Betweene M. W. and I. H. Witnesseth that where the said I. H. in fulfilling and performing of part of certaine covenants, specified and declared in a paire of Indentures made betweene the said I. H. on the one party, and the said M. W. of the other partie, by his deed bearing date &c. hath given and granted to the said M. W. an annuall and yearely rent of &c. To have and

and to hold the ſaid annuall or yearly rent of &c. to the ſaid Ꝑ. W. his heires and aſſignes, for and during the life of E. Ꝑ. with a ſufficient clauſe of diſtreſſe compriſed in the ſaid grant, for nonpayment of the ſaid yearly rent of &c. Nevertheleſſe, it is now fully covenanted, granted, and agreed betwixt the ſaid parties in manner and forme following: that is to ſay, the ſaid Ꝑ. W. covenanteth, &c. that if the ſaid I. Ꝟ. at any time hereafter doe obtaine and get the eſtate and intereſt of the ſaid E. Ꝑ. which he hath in and to the ſaid Manor, &c. and thereof doe make one ſufficient eſtate to the ſaid Ꝑ. during the life of the ſaid E. that then the ſaid grant of the ſaid annuall rent of &c. ſhall from thenceforth ceaſe, be determined, and utterly void and of none effect: any thing in the ſaid former Indentures mentioned, or in the ſaid grant of annuity contained to the contrary in any wiſe notwithſtanding. And further the ſaid Ꝑ. W. covenanteth, &c. that if it happen the ſaid Ꝑ. W. his heires, executors, adminiſtrators, or aſſignes, or any of them to make default in payment of the ſaid ſumme of &c. mentioned in the ſaid former Indentures, or of any part thereof, and doe not make due payment thereof at ſuch dayes and times, as are mentioned in the ſaid former Indentures: That then it ſhall be lawfull to the ſaid I. Ꝟ. his heires or aſſignes, to retaine the ſaid annuall or yearely rent of &c. in his or their proper hands: And the ſaid annuity or yearely rent ſhall be ſuſpended and not demanded nor payable, untill ſuch time as the ſaid I. Ꝟ. his heires &c. be fully contented, ſatisfied, or paid of the ſaid entire ſumme of &c. and of every part thereof, over and beſide his coſts and charges for the withholding and nonpayment of the ſame ſumme of &c. any thing in the ſaid former Indentures, or in the ſaid grant of annuity, or in theſe Indentures mentioned, to the contrarie thereof in any wiſe notwithſtanding. In witneſſe, &c.

A Defeaſance upon a Bargaine and Sale.

THis Indenture, &c. Betweene, &c. Witneſſeth, that where the ſaid G. by his deed indented, dated &c. for the ſumme of &c. hath fully bargained & ſold &c. Nevertheleſſe, it is now lawfully covenanted, &c. that if the ſaid G. his heires &c. doe well and truly content and pay againe to the ſaid T. his executors &c. the ſaid ſum of &c. and every part thereof at one whole and intire payment, before the feaſt of &c. That then it ſhall be lawfull to the ſaid G. and his heires, upon the repayment of the ſaid ſum of &c. to reenter into the ſaid manor of &c. As in covenants of reentrie. And that then and from thenceforth after the repaiment of the ſaid ſum of &c. the ſaid T. and his heires ſhall ſtand and be ſeiſed of and in the ſaid manor, &c. to the uſe of the ſaid G. and his heires: And that Sect. 408.

all estates, assurance, and conveyance thereof then had and made to the said G. and to his heires, or to any other person or persons, shall after the repayment of the said summe of &c. be to the use of the said G. and of his heires for ever: any thing in these Indentures to the contrary in any wise notwithstanding. And further the said G. covenanteth &c. that if it shall happen the said G. his heires, &c. or any of them to make default of repayment of the said summe of &c. *ut supra*. That then it shall be lawfull unto the said T. and his heires, to have, hold, occupy and injoy to him and to his heires for ever, the said manor, &c. without condition or mortgage, and without let or disturbance, or interruption of the said G. his heires &c. or of any other person or persons by his or their procurement, assent, or commandement. And that he the said G. and his heires, and A. his wife, at all times hereafter the said feast of &c. upon default of repayment of the said summe of &c. shall doe, suffer, knowledg, and cause to be suffered, done and acknowledged from time to time, all and every such act, devise, thing and things, as shall be reasonably devised or advised by the said T. or his heires, &c. be it by fine, feoffement, recovery, release with warranty, confirmation with warranty, or otherwise. And that the said manor at the time of the making of the said further assurance, in manner and forme aforesaid, shall then be discharged of all incumbrances, of what kinde, degree, or nature soever they be, except leases and chiefe rent, &c. And furthermore the said T. covenanteth, &c. if the said G. his heires or executors doe make default, and doe not repay againe the said summe of &c. to the said T. his &c. in manner and forme aforesaid: That then the said G. upon a perfect and further assurance and sure estate of the said manor, &c. had and made by the said G. and A. his wife to the said T. and to his heires, shall content and pay to the said G. his &c. the summe of &c. in full contentation and payment, &c. for the said manor, &c. before bargained and sold to the said T. and to his heires, in manner and forme before recited and declared in these presents. And further the said T. covenanteth &c. that if the said G. doe make default in payment of the said summes of &c. and that the said manor then after that be duly proved upon a lawfull and true survey thereof had and made, to be of more yearely value then, &c. by yeare: That then the said T. his heires or executors shall content and pay to the said G. his heires or assignes within one yeare after the same survey, for as much of the said manor as upon the said survey shall be duly, truly, and clearly proved to be, and amount in yearly value above the summe of &c. by the yeare, over all charges after the rate of xx. yeares purchase. In witnesse, &c.

Mortgage.

A Mortgage upon condition to pay a certaine ſumme at a certaine day.

OMnibus &c. Sciatis nos præfat' T. & L. pro diverſis, boniſque cauſis & conſiderac' nos ſpecialiter movent', unanimi aſſenſu & conſenſu noſtris, dediſſe &c. W. M. &c. hæred' & aſſignis ſuis, unum tenement' cum ædificiis, &c. Quod quidem tenementum cum ædificiis &c. nos præfat. T. & L. ſimul cum quibuſdam aliis perſonis, nuper habuimus nobis, hæred' & aſſignat' noſtris, ex dono, &c. H. & P. de &c. executorum teſtament' & ultim' voluntat' W. C. ſub quadam conditione jam pimplet' & pformat', prout per quandam ſuam chartam nuper inde nobis & dictis aliis perſonis confect', cujus dat' &c. plenius liquet & apparet. Habend' & tenend' pd' tenementum, ac cætera omnia pmiſſa cum ſuis ptiñ pf. W. M. hæred' & aſſign' ſuis ad ſolum opus & uſum ipſius W. M. hæred' & aſſig' ſuorum. Sub forma tamen, & conditione ſequen', viz. q ſi nos pf. T. D. & L. uxor mea, aut aliquis noſtr' her', execut', adminiſtr' vel aſſign' noſtr' ſolvamus ſeu ſolvi faciamus pd' W. M. execut', adminiſtrat' vel aſſign' ſuis, in vel apud modo domum manſional' ipſius W. M. in civit' M. v. l'. legalis, &c. modo & forma ſequen' viz. ad feſtum &c. prox. futur' poſt datum pſent' 20. s. &c. in plena ſoluc' pd' 5. l'. Quod tunc pſens ſtatus & ſeiſina de & in præmiſſis in forma prædict' deliberat', et capt', vacuæ ſint, nulliuſque effectus neque valoris, alioquin præſens ſtatus & ſeiſina de & in pmiſſis in forma pd' deliberat' et capt' firma ſint et ſtabil', tantummodo ad opus et ſolum uſum pdict' W. M. hæred' et aſſig' ſuorum. Tenendum &c. Datum &c. Sect. 409.

A Fee-farme in Mortgage.

OMnibus &c. Salut' &c. Cum C. W. dederit &c. geren' dat' ultim' die D. ante datum præſentium ultim' præterito, mihi, præfat' I. confirmaverit omnia illa terras, &c. Habendum et tenendum mihi hæred' & aſſignat' meis imperpetuum, prout in eadem charta ſua mihi inde confecta plenius continetur. Noveritis me præfat' I. dimiſiſſe, conceſſiſſe, et hoc præſenti ſcript' meo indentat' confirmaſſe prædict' C. omnia illa prædict' terras, &c. Habendum ſibi, hæredibus et aſſignatis ſuis imperpetuum ſub forma et conditione ſequentibus, viz. quod ſi prædict' C. ſolvat &c. mihi præfat' I. attornato vel executoribus meis in &c. ad feſtum &c. quod extunc pſens charta indentata, et ſeiſina inde liquerat' ſuum robur obtineant et effect'. Et ſi defect' fiat in ſolutione pd' 20. l'. contra formam præd', Sect. 410.

extunc præſens charta indentata & ſeiſina inde liberata ſint vanæ ac pro nullo habeant̃, & tunc bene licebit mihi, &c. In cujus &c.

But if there be many dayes of payment, then ye may proceed after this forme following. Si præd̃ C. ſolvat aut ſolvi faciat hæred̃ ſeu execut̃ ſui ſolvant aut ſolvi faciant mihi præfat̃ I. atturnat̃, ſeu executoribus meis in &c, 20. li. &c. in forma ſubſcripta, viz. ad feſtum, &c, 20. s. ad feſtum, &c, 20. s. & ſic de feſto in feſtum de anno in annum, unum poſt alium continue ſequentem ad quodlibet feſtorum p̃d̃ viginti ſolidos, quouſque p̃dict̃ 20. li. plenarie perſolvantur extunc præſens charta indentata, &c. Et ſi defect' fiat in aliqua ſolutione p̃dict̃ viginti librar̃ in parte vel in toto, cõtra formam p̃d̃, extunc &c. *ut in charta prædict'*.

Proviſo ſemper, quod ſi prædict̃ C. vel aliquis alius nomiñ ſuo allegaverit aliquam acquietantiam ſeu ſolutionem dictæ pecuniæ alibi fore factam quam &c. contra me p̃f. I. quod extunc idem C. vult & concedit per præſentes, quod hujuſmodi acquietantia in ſolutione forinſeca nullius ſit valoris. In cujus &c.

A Mortgage.

Sect. 411. SCiant &c. qd̃ nos W. C. W. W. & T. C. dimiſimus, tradidimus, & liberavimus H. M. I. A. & W. H. omnes illas terras & tenementa, reddit̃, &c. vocat̃, B. quæ nos p̃d̃ W. C. W. W. & T. C. nuper conjunctim habuimus nobis hæred̃ & aſſign' noſtris in perpetuum, ad uſum mei p̃d̃ W. C. hæred̃ et aſſign' meor̃ ex dimiſſione, traditione, liberatione & chartæ confirmatione. I. H. Habend̃ et tenend' omnia p̃d' &c. ſub forma & conditione ſequent̃, viz. quod ſi prædict̃ B. bene et fideliter ſolvat, &c. quod tunc præſens charta noſtra indentata et ſeiſina ſua ſuper eandem liberata et habita in omnibus eorum roboribus permaneant et virtutibus in perpetuum. Et ſi defectus fiat, &c. Ac inſuper noveritis nos p̃f. W. C. W. W. & T. C. feciſſe, ordinaſſe, et loco noſtro poſuiſſe, &c. *ut in literis attorn. ad deliberand' ſeiſinam*, In cujus &c. Datum &c.

A Mortgage to ſave harmeleſſe, &c.

Sect. 412. SCiant &c. quod ego T. F. ſeñ de N. Draper dedi et conceſſi et hac præſenti carta mea indent̃ confirmavi L. W. de N. yeoman, unum tenementum &c. Habend' &c. præfat̃ I. W. hæred' et aſſigñ ſuis ad ſolum opus & uſum mei dicti T. F. hæred' & aſſignat̃ meor̃ in perpetuum. Si & quamdiu ego dicti T. F. hæred' execut̃ vel aſſign' mei ſolvamus ſeu ſolvi fac' eidem L. W. execut̃ vel aſſign' ſuis xii. li. legalis monetæ Angliæ, &c. modo & form̃ ſequen', viz. ad feſtum omnium ſanctor̃ quod erit in anno Dom̃ &c.

&c. iiij. li. & ſic deinde annuat̃ ad dict̃ feſtum iiij. li. quouſque dict̃ xij. li. ſolvantur &c. Necnon ſolvamus & indempnes conſervemus ſeu ſalvari & indempnes conſervar̃ fac̃ prædict̃ L.W. hæredes, execut̃ & adminiſtrat̃ ſuos verſus quendam W.M. de C. executores & adminiſtrat̃ ſuos ac alios quoſcunque de & pro quodam ſcript̃ obligatorio in quo prædict̃ L.W. ad inſtantiam mei prædict̃ T.F. ſimul cum me eodem T. tenetur & obligat̃ præfat̃ W.M. in ſumma xl. lib. indorſat̃ cum condition' pro ſoluc' xx. li. legal. monetæ Angl'. Alioquin ſi contingat qꝓ ego dictus T.F. hæred̃, executor̃ vel aſſigna' mei defecerimus in ſolutione prædict̃ xij. li. vel alicujus inde parcellæ in forma prædict̃ ſolvend̃, vel in ſolvendo vel indemnes conſervand̃ prædict̃ L.W. hæred̃, & executores ſuos in forma præd̃, nunc ad ſolum opus & uſum ipſius L.W. hered̃ & aſſignatorum ſuorum inperpetuum, In cujus &c.

A Mortgage upon payment by the Mortgageor.

SCiant præſentes &c. quod ego I. W. (*ut ſupra* 412.) confirmavi S.W. omnia illa terr̃ & tenementa &c. Habend̃ &c. ſub forma & conditione ſubſequenti, viz. Quod ſi ego prædict̃ I. ſolvam, ſev ſolvi faciam, hæred̃ vel execut̃ mei ſolvant, aut ſolvi faciant præfat̃ S.W. aut ejus certo Attornato, hæred̃, vel executoribus ſuis, ad feſtum &c. in &c. xx. li. &c. Quod tunc præſens charta indentata, ac ſeiſin̄ inde deliberat̃ caſſatæ ſint & van', nulliuſque valoris, ac tunc bene licebit p̄f. I. &c. (*ut in conventionibus reintrationis.*) Et ſi defect̃ &c. (*ut ſuper* 410.) ſuum robur obtineant & effectum, Et tunc bene liceat præfato S.W. hæred̃ & aſſignatis ſuis ea habere & pacifice gaudere imperpetuum. In cujus rei teſtimonium uni parti hujus chartæ indentatæ penes me reman', præfat̃ S.W. ſigillum ſuum appoſuit, Alteri vero parti hujus chartæ indentatæ penes p̄f. S.W. reman' ego p̄d̃ I. W. ſigillum meum appoſui, His teſtibus &c. Dat̃ &c. Sect. 413.

An eſtate upon condition to find Meat, &c.

OMnibus &c. W.P. &c. Noveritis me præfat̃ W. dediſſe, conceſſiſſe, & hoc præſent̃ ſcript̃ meo indentat̃ confirmaſſe T.N. omnia mea terr̃ &c. Habend̃ &c. T. hæredibus & aſſignatis ſuis imperpetuum, &c. ſub forma & conditione ſequenti, videlicet, Quod prædictus T. exhibeat, ſeu exhibere faciat mihi præfat̃ W. durante vita mea naturali victum ſufficientem, ac ſtatui meo competentem, prout idem T. ad menſam ſuam habet, ſeu habere conſuevit, ac quolibet die dominico unum denarium pro meis expenſis mihi reddat, necnon quolibet anno erga feſtum Natalis Domini unam togam de Ruſſet, unum par̃ caligar̃, duo paria calceorum, & duo Camiſia Sect. 414.

Camisia statui meo competent, annuatim mihi inveniat. Et si contingat me decrepitum vel infirmum devenire, tunc idem C. inveniet mihi unum servientem ad me debit modo, prout decet custodiend, ac etiam quendam locum in alta Camera tenement mei prædict' competen, ubi melius potero pvenire tam in sanitate quam in egritudine, simul cum libero introitu & exit omnibus temporibus licitis ad eandem, durante vita mea mihi reservand. Et si præd W. in exhibitione mea pd, seu in aliquo præmissorum defecerit, aut ea facere noluerit, quovismod in futurum, quod extunc bene licebit mihi, hæred, & assignatis meis, in omnia pd terras &c. (*As in Reentries.*) In cujus &c.

A Mortgage for payment by the Mortgage.

Sect. 415. SCiant &c. ꝙ ego E.M. &c. Dedi &c. præf. R. & E. uxor ejus, totum iludmesuag' meum &c. Habend &c. sub condition' sequen, viz. Qd si præd R.B. & E. uxor ejus, hæred, seu execut solvant, vel unus eorum solvat, seu solvi faciat, mihi pf. E.M. aut meo certo attorn vel executor meis, &c. modo & forma sequen, viz. ad festum &c. Et sic deinde annuatim solvend ad quodlibet festum &c. extunc prox' & immediat sequen xx. li. &c. quousque summa &c. plenarie persolvat. Quod tunc præsens charta mea indentata, ac status & seisin, de & in pmissis liberat, firmæ sint & stabiles, ad solum opus & usum pdictor R. & E. hæred & assig' suorum imperpet. Et si contingat pd R.B. & E. uxor ejus, hæred, execut, vel assignatos suos defect' facere in solut' &c. aut alicujus inde parcell' in form pd solvend, ꝙ tunc præsens charta mea indentat, ac status & seisina, de, & in præmiss. liberat, cassæ sint & vacuæ, nulliusq; valoris, ac tunc bene liceb. mihi pf. E.M. &c. (*As in Reentries*) In cujus &c.

A Mortgage of Lands, &c.

Sect. 416. THis Indenture, &c. Betweene T.W. of the one party in the &c. and W.F. &c. on the other party, Witnesseth, that where the said T.W. by his deed bearing date the 11. day of this present moneth of January hath infeoffed W.F. of, and in the Manor of C. with all his right, members, and appurtenances in the said County, &c. and of and in the advowson, gift, free disposition, & right of patronage of the Rectory & Parish Church of C. aforesaid, To have and to hold, (as in the deed afore verbatim, &c.) as by the same deed more plainly may appeare. And whereas the said W.F. the day of the date hereof hath contented and payed unto the said T.W. the summe of &c. which summe of &c. the said T. knowledgeth &c. thereof &c. by these presents. It is now therefore covenant ed

venanted, condeſcended, &c. that the ſaid T. W. before the feaſt of Eaſter, &c. by fine to be levied in the Queens Majeſties Court of her Common pleas at W. &c. which ſaid fine to be levied in forme aforeſaid, ſhall be to the uſes and intents, in theſe preſents expreſſed, that is to ſay: to the uſes of the ſaid W. F. and his aſſignes, untill the 24. day of March, &c. And if the ſaid W. F. &c. doe well and truly content and pay, or cauſe to be &c. unto the ſaid T. W. his Executors, the ſumme of C. li. of good, &c. in the ſaid 24. of M. next enſuing, &c. at &c. That then and from thenceforth after ſuch payment made, the ſaid fine to be levied in forme aforeſaid, ſhall be to the onely uſe of the ſaid W. F. his heires and aſſignes for ever. And if default of ſuch payment be had and made of the ſame ſumme, &c. or any parcell thereof at the time and place before limited for the payment of the ſame: then and from thenceforth after ſuch default of payment made, the ſaid fine to be levied in forme aforeſaid, ſhall be and inure for ever to the onely uſe of the ſaid T. W. his heires and aſſignes for ever. And further that he the ſaid T. and his heires, and all and every other perſon and perſons and their heires claiming the premiſſes, by or from the ſaid T. W. ſhall at every time and times during the ſpace of two yeares next after the payment made of the ſaid ſumme of &c. in forme aforeſaid, when and as often as they or any of them ſhall be thereunto reaſonably required by the ſaid W. F. &c. as in covenants of aſſurances. And the ſaid T. W. further covenanteth, &c. to and with the ſaid W. F. &c. that if it ſhall happen A. L. late wife of I. L. to recover by due order and courſe of the Law againſt the ſaid W. F. his heires or aſſignes the third part of the premiſſes for dower to her belonging after the death of the ſaid I. ſo. That then he the ſaid T. W. his heires or aſſignes from the time of ſuch recovery had, and after notice thereof to him given by the ſaid W. his heires or aſſignes, ſhall content and pay yearely to the ſaid W. his heires or aſſignes during the naturall life of the ſaid A. one C. li. of good &c. in the feaſts of &c. And the ſaid T. W. covenanteth &c. to and with the ſaid W. &c. that if default of payment be had and made of the ſaid ſumme of C. li. or any &c. at the time and place before limited for the payment of the ſame: That then and from thenceforth all and every covenant, &c. compriſed in this preſent Indenture on the part of the ſaid T. W. &c. to be obſerved or performed, and all and every bond wherein the ſaid T. ſtandeth bound for the performance of the ſame, or any of them, ſhall be utterly void and of none effect. And that then the ſaid W. his heires or aſſignes, ſhall within one moneth next after ſuch default of payment made as is aforeſaid, deliver or cauſe to be delivered unto the ſaid T. his heires or aſſignes, not onely the counterpane of this Indenture ſealed by the ſaid T. and all

ſuch

such bonds as the said T. shall stand bound in, to the said W. for performance of the covenants comprised in the same Indenture, and the same deed of feoffement made by the said T. unto the said W. F. but also all such deeds, &c. as the said W. F. &c. shall before that time have received by the delivery of the said T. his heires or assignes. And that then, and from thencefoorth after such default of payment made as is aforesaid, the said W. F. and his heires &c. as in covenants of assurance. In witnesse whereof, &c.

A Sale upon condition.

Sect. 417. THis Indenture, &c. Betweene T. I. and A. his wife, and N. N. &c. Witnesseth, That the said T. and A. with their owne whole consent and agreement, for the summe of, &c. Hath given and granted &c. unto the said N. and his heires for ever, all that messuage, &c. To have and to hold the said messuage and other the premisses with their appurtenances to the said N. N. his heires and assignes, to the only use and behoofe of the same N. his heires and assignes for ever. And the said T. I. covenanteth &c. that he the same T. and A. his wife, shall on this side the feast of &c. (as in covenants to make Estates.) Nevertheless the said N. covenanteth &c. (as in covenants to pay Money) at the feast of &c. That then and from thencefoorth this present bargaine and sale of the said messuage and other the premisses shall be clearely frustrate, void and of none effect. And that then also the said N. his heires &c. within 8. dayes next after the full payment of the said rr. li. in forme aforesaid to be payed, shall assure &c. or cause to be assured &c. to the said T. and his heires, to the only use of the said T. and his heires for ever, all such estate, &c. of and in the said messuage and other the premisses, which he the said N. before that time shall have had or received of the said T. his &c. the same messuage and other the premisses then being clearly discharged of all troubles, charges and incumbrances, had, made, or done by the said N. his heires or assignes. And if it shall fortune the said T. his executors or assignes to make default of payment of the said rr. li. in forme aforesaid to be paid, or any part thereof: Then the said T. covenanteth &c. by these presents, that the said bargaine and sale of the said messuage and other the premisses, shall stand and remaine in full strength and effect for ever. And then the said N. covenanteth &c. truly to content and pay, or cause to be contented or payed to the said T. his &c. r. li. residue of the said rrr. li. within one month next after default of payment to be made of the said rr. li. or any part thereof, in forme aforesaid to be paied, for the full and cleare purchase of the said messuage and other the premisses. And it is further covenanted, &c. that the said T. his heires or executors, shall not

not at any time hereafter bargaine, ſell, alienate, or otherwiſe put away the ſaid meſuage or other the premiſſes, or any part thereof, to any perſon or perſons but only to the ſaid A. his heires and aſſignes: The ſame A. his heirs and aſſignes, paying to the ſaid T. his heires, executors, or aſſignes, for the purchaſe of the ſaid meſuage and other the premiſſes, as much money at ſuch dayes, and in as briefe time as any other perſon or perſons will give and pay for the ſame, without fraud or colluſion. In witneſſe &c.

A Mortgage of Lands.

THis Indentnre, &c. Witneſſeth, that the ſaid A. B. in conſideration, Sect. 418.
&c. hath bargained &c. unto the ſaid C. D. his heires for ever, all that meſuage, &c. And alſo all and ſingular the rents, reverſions, and other yearly profits whatſoever, reſerved by and upon whatſoever leaſes, gifts, or grants, had, made, or granted of the premiſſes, [or any part thereof, &c. And alſo the ſaid I. B. for the conſideration aforeſaid hath bargained, &c. unto the ſaid C. D. all his eſtate, right, title, intereſt, poſſeſſion, reverſion, remainder, claime, and demand, to, of, and in the ſaid meſuage or tenement, &c. And except one eſcript, obligation, or ſtatute of the Staple, wherein the ſaid A. B. ſtandeth bound to one E. S. in the ſumme of &c. And alſo except one Recogniſance wherein the ſaid A. B. ſtandeth bound to A. W. in the ſumme of &c. And that the ſaid C. D. his heires &c. by force of theſe preſent Indentures of bargaine and ſale, and of other conveyances of the premiſſes hereafter to be had and made, ſhall and may peaceably and quietly have, hold, &c. the ſaid meſuage &c. and every parcell thereof, to the only proper uſe of the ſaid C. D. Provided alwayes, and nevertheleſſe the ſaid C. D. is contented and pleaſed, and for him &c. covenanteth &c. (as in Covenants) that if the ſaid A. B. his heires, executors, adminiſtrators, or aſſignes, do well and truly content and pay, &c. That then and from thenceforth, as well all conveyances and aſſurances made by and from the ſaid A. B. and R. P. and all Bonds, Obligations, eſtatutes, and recogniſances, wherein and whereby the ſaid A. B. and R. P. are by any meanes bound to the ſaid C. D. as alſo theſe preſents, and all aſſurances hereafter to be made and paſſed by vertue hereof, ſhall be utterly void, fruſtrate, and of none effect, to all intents and purpoſes in the Law. And that then alſo the ſaid C. D. his executors, adminiſtrators, or aſſignes, ſhall and will well and truly deliver, &c. (as in covenants to deliver writings) all the ſaid conveyances and aſſurances uncancelled, and all the ſaid bonds, obligations, eſtatutes, and recogniſances, and alſo the one part of theſe preſents to be cancelled. And the ſaid A. P. covenanteth &c. that if default be made, of, or in the

the payment of the said summe of C. markes in part or in all, at the day and place aforesaid contrary to the forme aforesaid appointed: That then as well the said conveyances, bonds, obligations, effatutes and recognisances, as also these present Indentures, and the bargaine and sale afore made of the said mesuage and premisses shall stand, remaine, and abide in full strength and vertue, and shall be good, effectuall, and available in the Law, to the said C. D. his heires &c. In witnesse whereof, &c.

A Mortgage.

Sect. 419. THis Indenture &c. Witnesseth, that the said A. C. for &c. to be well and truly paid by the said Earle, his heires, executors, administrators, or assignes, to the said A. C. his executors or assignes, in such manner and forme as hereafter in these presents shall be expressed and mentioned, hath bargained and sold, and by these presents doth fully and clearely bargain all the said manor, &c. Provided alwayes, and the said E. for himselfe &c. doth covenant &c that if the the said E. his &c. doe not well and truly content and pay, or cause to be well, &c. to the said A. C. his &c. the summe of &c. Or if the said E. do sell, or cut downe any wood, pull downe any, or let downe any buildings or do any manner of wilfull waste, in, or upon the premisses or any part thereof at any time before the full end and expiration of seven whole yeares next comming after the date hereof, or if the said A. C. his &c. well and truly contented and payd, or cause to be well and truly contented and payed to the said E. his heires or assignes, the summe of &c. at any time within the space of the said seven whole yeares next ensuing and following the date of these presents, that then and from thenceforth &c. as in clauses of reentries. And also that after any want, default, or lacke of payment of any of the said payments of any of the said sums of money to be payed by the said E. his heires, executors, &c. to the said A. C. his executors, administrators or assignes, in manner and forme above mentioned and expressed, or any manner of wilfull waste to be done or suffered to be done by the said E. his heires, executors, administrators, or assignes, in and upon the premisses, or of any part thereof, or of the true payment of &c. to be payed by the said A. C. his heires, administrators or assignes, to the said E. his heires, administrators or assignes, in manner and forme above mentioned and expressed: this present bargaine and sale and all and every Act, deed and thing hereafter by any meanes to be had, made, done, or suffered at any time before the end and the expiration of seven yeares next comming after the date hereof, for or concerning the said manor, shall be void &c. And that then also the said Earle, his heires and assignes, and every

every other perſon and perſons ſhall ſtand and be poſſeſſed and ſeiſed, of, and in the ſaid manor of W. and all other the premiſſes in theſe preſents bargained and ſold, to, and for the onely uſe and behoofe of the ſaid J.C. his heires and aſſignes for ever, and to, and for none other uſe or uſes, this preſent bargaine and ſale, or any act, deed, or thing hereafter to be done, made or ſuffered at any time before the full end and determination of the ſaid 7. yeares next inſuing after the date of theſe preſents, to the contrary thereof in any wiſe notwithſtanding. And alſo if the ſaid C. his heires, executors, adminiſtrators, or aſſignes, ſhall not, or doe not well and truly pay, or cauſe to be well and truly contented and payed to the ſaid J.C. his heires, executors, adminiſtrators, or aſſignes, the ſaid ſumme of &c. of lawfull money of England, in manner and forme above mentioned and expreſſed, or doe, or ſhall commit any manner of waſte, in or upon the premiſſes, before the full end and terme of vii. yeares next following the date hereof. Or if the ſaid J.C. his heires &c. ſhall, or doe well and truly content and pay or cauſe to be well and truely contented and payed to the ſaid C. his heires, executors, adminiſtrators or aſſignes, the ſaid ſumme of &c. of lawfull &c. in manner and forme above mentioned and expreſſed: That then the ſaid C. his heires, executors, and aſſignes, ſhall doe, ſuffer and acknowledge, all and every ſuch reaſonable act, &c. And alſo it is covenanted and agreed betwixt the ſaid parties, that he the ſaid J.C. his heires or aſſignes, ſhall and may have, hold, and quietly injoy and poſſeſſe all the ſaid manor of W. with the appurtenances, and all other the premiſſes heretofore in theſe preſents bargained and ſold unto the ſaid J.C. his heires and aſſignes, from the date of theſe preſents untill &c. next following the date hereof, without any let, boration, trouble, ſuit, or demand, had, made, or to be had, or made by the ſaid C. his heires or aſſignes, by vertue and colour of this preſent bargaine and ſale. In witneſſe &c.

Fee Farme.

A Feoffement in Fee Farme.

SCiant &c. quod nos I.T.W.T. & I.M. dedimus, conceſſimus, & hac præſenti charta nra indentata ad feodi firmam dimiſimus N.H. de W. unum gardinum cum pertinen' vocat' M. jacen' in N. in com' E. viz. &c. qd quidem gardinum ſimul cum aliis terris & tenementis nuper habuimus ex dono & feoffamento R.T. armigeri. Habend' & tenendum totum pd' gardinum cum ſuis ptinentiis pf. N. hered' & aſſignat' ſuis imperpet', de capitalibus dominis feod' illius, p ſervitia inde debit', & de jure conſueta. Reddendo Sect. 420.

dendo inde annuatim nobis, hæred', & assignat' nostris nomine feodi firmæ &c. æquis portionibus, et faciendo inde sectam ad curiam manet' nostri de M. in S. bis in anno, viz. ad proximam curiam ibidem tenend' post festum &c. & ad proximam curiam ibm̃ tenend' post festum &c. pro omnibus aliis servitiis, consuetud', et demand'. Et si prædict' firma à retro fuerit in part' vel in toto per quindecim dies post aliquem termin̄ solutionis quo ut p̄fertur solvi debeat, Aut si prædict' secta nobis, hæredibus et assign' nostris ad aliquam cur' in manerio nostro præd' bis in anno tenend', ut prædictum est, subtracta fuerit, tunc vult et concedit p̄fat' N. pro se, hæred', et assign̄ suis per p̄sentes, quod bene liceat nobis præf. I.W. & I. G. et hæredibus & assign̄ nostris in &c. et penes se retinere, quousque de præd' firma si à retro existen', et ejus arreragiis si quæ fuerint, necnon de subtract' sectæ prædict' nobis, hæred', & assignatis nostris plenarie fuerit satisfactum. Et si prædict' firma à retro fuerit in parte vel in toto per duos annos post aliquem terminum solutionis ejusdem, aut si prædict' secta nobis, hæred', aut assign' nostris ad aliquam curiam in manerio nostro præd' bis in anno tenend' ut præd' est, per duos annos subtracta fuerit, tunc vult & concedit p̄f. N. pro se, hær', & assign' suis per præsent', ꝙ bene liceat nobis, &c. **As in Reentries.**

Sales.

A Sale of lands, reserving rent.

Sect. 421. THis deed **indented, &c.** Witnesseth, **that I W. W. have given &c. and by this my present deed doe give, &c. to R. W. and M. his wife, of R. one messuage &c.** To have **and to hold all and singular the said messuage &c. to the said R. and M. and to the heires &c. And for default of such issue of their two bodies betweene them lawfully begotten, the remainder of all the said messuage &c. after the death of the said R. and M. to the heires of the body of the said M. lawfully begotten, and to be begotten: and for default of such issue of the body of the said M. lawfully begotten, the remainder of all the said messuage &c. after the decease of the said M. to the right heires of the said R. M. for ever.** Yeelding and paying **therefore yearely during all and every the said severall estates unto me the said W. W. my heires and assignes for ever x.li. of lawfull English money, at the feast of S. Andrew the Apost. and S. Joh. Bap. by even portions, in the now dwelling house of &c.** And if it **shall happen &c.** with a clause of reentrie if the rent be behind. Provided awayes, **and upon condition following: That is to say, that if the said R. and M. or either of them, or the heires of their two**

bodies

bodies betweene them lawfully begotten, or any of them, doe well and truly pay, or cauſe to be payed to me the ſaid W. W. or my certaine Atturney, mine heires, executors, adminiſtrators, or any of them, the juſt ſumme of one C. li. of &c. at one whole and intire payment for the ſaid annuall rent, meſuage &c. in any feaſt of the ſaid feaſts &c. hereafter following, during the ſpace of fiue whole yeares next enſuing the date hereof together with v. li. of the ſaid rent in the ſame feaſt of S. And the Apoſtle, or S. I. Bap. to be due by theſe preſents, in the ſaid now dwelling houſe of the ſaid W. W. in R. aforeſaid, paying firſt the ſaid annual rent of x. li. by yeare of every of the ſaid feaſts and termes of payment, in the which, as is aforeſaid, it ought to be payed each and every yeare, in manner and forme above in this preſent Charter limited and expreſſed, according to the force, effect, and true intent of this preſent Charter. And alſo giving to the ſaid W. W. his &c. notice and warning of the payment of the ſaid ſumme of &c. in forme aboueſaid, to be payed x. weeks at the leaſt before the payment thereof: That then immediately after the payment of the ſaid ſum of &c. in manner and forme aforeſaid to be payed, the ſaid yeerly rent of &c. and every part thereof to ceaſe, be determined, made void, extinguiſhed, and utterly annihilated for ever by theſe preſents, or elſe the ſame to ſtand, remaine, and be in his full ſtrength, power, and vertue. In witneſſe, &c.

A Covenant not to ſell, but to the Vendee.

AND the ſaid I. R. doth covenant &c. That neither he the ſaid I. R. nor his heires, nor any of them at any time or times hereafter ſhall or will giue, grant, bargaine, morgage, ſell, alien, ſet over, alter, diſcontinue, or depart with any part of any the meſuages, lands, tenements, and hereditaments, above hereby mentioned to be bargained, and ſold, or whereby he the ſaid I. now ſtandeth and is ſeiſed to any perſon or perſons, other then onely to the ſaid N. T. or his heires, if the ſaid N. or his &c. will giue ſuch price and prices for the ſame, as ſhall be ſet downe, made and appointed by T. W. I. G. and N. S. or ſo many of them as ſhall happen to be liuing, at the time of ſuch ſale and alienation to be made without the ſpeciall licence of the ſaid N. S. or his &c. firſt had and obtained in writing. Sect. 422.

Gifts.

A Generall Gift of Goods.

Sect. 423. OMnibus &c. Sciatis me p̄f. F. &c. dediſſe &c. W. W. &c. omnia bon̄ & catal' mea, mobilia & immobilia, viva & mortua, cujuſcunq; generis ſeu ſpeciei, in quorumcuque manibus, ſeu in quibuſcunq; locis exiſtunt: Necnon totum jus meum, titul', ac jus terminor̄ annor̄ quorumcunq. Habend̄ *ut infra* 425. b. p̄f. W. W. & aſſign̄ ſuis imperpet̄. In cujus rei, &c.

A Gift of goods and chattels, with covenants to find the donor neceſſaries, and performe his will.

Sect. 424. THis Indenture made &c. Betweene R. E. &c. on the one party, and T. S. of &c. on the other party, Witneſſeth, that the ſaid R. E. for the conſiderations hereafter in theſe preſents expreſſed, and for the juſt and true performance of ſuch premiſſes, as on the part and behalfe of the ſaid T. his Executors and Aſſignes are made to be kept to the ſaid R. hath given and granted &c. to the ſaid T. S. all his leaſes, farmes, and termes of yeares, cattels, implements, houſhold ſtuffe, beaſts and cattell, and all other his other goods, as well reall as perſonall, moveable as unmoveable whatſoever, the gold, ſilver, and coine, which the ſaid R. now hath, or is owner of, And one meſuage &c. onely excepted. To have and to hold the ſaid leaſes, farmes, and termes of yeares, and all and ſingular the ſaid goods and chattels, and other the premiſſes (except before excepted) to the ſaid T. S. his Executors and Aſſignes, to his and their owne proper uſe and uſes. And the ſaid R. doth further authorize and appoint the ſaid T. S. to aske and demand all ſuch debts and ſummes of money as be owing by any perſon or perſons to the ſaid R. And further, to ſue and implead any of the ſaid perſons or debtors in the name of the ſaid R. as ſhall refuſe or delay the payment of the ſaid debts or ſummes of money, at his will and pleaſure. And after that the ſaid T. ſhall receive, obtaine, get, and recover the ſaid ſummes or debts, Then the ſaid R. doth further give power and authority to the ſaid T. to take and keepe the ſame to his owne uſe and commodity, without making any accompt thereof to the ſaid R. or to his Executors or &c. And the ſaid R. doth further promiſe to the ſaid T. not to releaſe, or diſcharge any of the ſaid debts or ſums of money ſo owing to him, without the aſſent and good will of the ſaid T. firſt had and obtained. In conſideration whereof the ſaid T. G. for him, his &c. doth covenant &c. That the ſaid T. and his

Executors,

Executors, ſhall and will find and provide to the ſaid R. during his naturall life, convenient and ſufficient meat, drinke, and apparrell. And alſo one comely and decent Parlor or Chamber for the ſaid R. to lye in ſeverally, with fire and candle neceſſary, during his naturall life, and one, perſon to attend upon him during the time aforeſaid. And moreover, that it ſhall and may be lawfull for the ſaid R. to make and declare his laſt Will and Teſtament of goods to the value of xl.li. And that the ſaid T. ſhall and will pay and performe, in ſuch convenient time, as by the ſaid laſt Will ſhall be appointed, all ſuch legacies and bequeſts, as by the ſaid R. ſhall give and bequeath, ſo that the ſame doe not amount above the ſumme of xl.li. And finally the ſaid T. doth promiſe and grant for him, his &c. to content and pay yearly to the ſaid R. E. during his naturall life, the yearly rent or ſumme of &c. at two feaſts in the yeare: that is to ſay, at the feaſt of S. Michael the Archangell, and the Annuntiation of our Lady, by even portions. In witneſſe, &c.

A Gift or Grant of goods.

THis Indenture, &c. Betweene T. W. of the County of Y. Eſquire, on the one party, and J. W. T. W. the younger, and E. W. ſonnes of the ſaid T. W. the elder, and E. W. A. W. and M. W. daughters of the ſaid T. W. the elder on the other party, Witneſſeth, that the ſaid T. W. the elder, as well in conſideration of the naturall love and affection which he beareth towards his children, and of the fatherly care which he hath of their preferment and advancement, as for divers other good cauſes him hereunto eſpecially moving, hath given, granted, and confirmed, and by theſe preſents doth give, grant, and confirme unto the ſaid J. T. W. the younger, Ed. W. Eliz. W. and M. W. their executors, adminiſtrators, and aſſignes, all his goods and cattels whatſoever. Nevertheleſſe, it is fully concluded, condeſcended, and agreed, by and betweene all the ſaid parties to theſe preſents, in manner and forme following, that is to ſay, That it ſhall and may be lawfull to and for the ſaid T. W. the elder, at all and every time and times hereafter, during his naturall life, if he remaine ſo long unmarried, peaceably and quietly to have the uſe, occupation, increaſe, and profits of all the ſaid goods and chattels, without any lawfull let, ſuit, trouble, expulſion, or incumbrance of them the ſaid J. T. W. the younger, Ed. Eliz. A. and M. their executors or adminiſtrators, or any of them, or any other perſon and perſons whatſoever, claiming by, from, or under them, or any of them: Theſe preſents, or any thing therein contained to the contrary thereof in any wiſe notwithſtanding. In witneſſe, &c. Sect. 425.

A gift of Goods, upon condition to find neceſſaries, &c.

Sect. 426. OMnibus &c. T.I. ſalutem &c. Sciatis me ꝑf. T. pro certis boniſq; conſiderationibus me ſpecialiter movent̃, dediſſe, conceſſiſſe, & hoc præſenti ſcript̃ meo confirmaſſe A.G. de civitate N. omnia bona &c. (*ut ſupra 422. verbatim*) Habend̃ & tenend̃ omnia ꝑd̃ bona & catall' mea, ubicunq; invent̃ fuerint, ac cætera præmiſſa ꝑf. A.G. & aſſignatis ſuis imperpetuũ: Ita viz. quod nec ego ꝑd̃ T.I. nec executor̃ vel adminiſtrat̃ mei, nec aliquis alius nomine meo, ſeu nomine eorum, aliquid jur̃, proprietat̃, vel clamei, de, aut in prædict' bonis & catallis, ac cæteris præmiſſis, nec in aliqua inde ꝑcella de cætero exigere, clamare, vel vendicare poterimus nec debemus quoviſmod̃ in futur̃, ſed ab omni actione juris, clamei, & demand̃ inde in futur̃, habend̃, ſeu vendic' penitus ſumus excluſi imperpet̃ ꝑ præſentes, ſub conditione ſequent̃, viz. Si ꝑd̃ A.G. execut̃ vel aſſignati ſui invenient, ſeu inveniri facient tam mihi ꝑd̃ T.I. quam cuidam M.P. viduæ matri mei ꝑd̃ T.I. ſufficient̃ & competent̃ victual' et veſtit̃, hoſpicium et cubiliam, ac omnia et ſingula alia nobis et noſtrum cuilibet neceſſaria, tam in egritudine quam in ſanitate, durant̃ vita natural' tam mei dicti T.I. quam dict̃ M.P. & noſtrorum utriuſque diutius vivent̃, necnon ſolvat ſeu ſolvi faciat omnia hm̃odi debita mea, nominat̃ & ſpecificat̃ in quadam ſcedula huic præſenti ſcripto meo annex': Quod tunc præſens donatio bonorum & catallorum prædict' firma ſit & ſtabilis, ad proprium uſum prædict' A.G. & aſſignatorum ſuorum imperpetuum, alioquin fruſtra ſit, ac pro nullo habeatur. In cujus &c.

Pawnes and Gages.

A Gage of Plate and Goods, &c.

Sect. 427. THis Indenture made &c. Witneſſeth, that the ſaid R. for the ſumme of &c. hath bargained, ſold, given, and granted, and in open Market of the City of N. hath delivered, and by theſe preſents doth fully and clearly bargaine, ſell, give, and grant unto the ſaid T. P. hts executors &c. all theſe parcels of Plate, and other implements here under ſpecified, viz. One boule of ſilver all white, one dozen of ſilver ſpoons with knops, one little ſalt of ſilver all white, containing all together twenty nine ounces, one yellow cheſt bound with ſeven broad barres of Iron, and all and ſingular ſuch peeces and parcels of woollen and linnen cloth, and Pewter, as beene remaining and cloſed within the ſaid cheſt, together with one coverlet of Tapeſtrie worke, one blanket of linſie wolſie, and two fether-

beds,

beds, and two bouſters, ſtuffed with feathers. To have and to hold the ſaid ſilver boule, ſilver ſalt, and the ſaid dozen of ſilver ſpoones, together with all and ſingular the ſaid implements and ſtuffe, and all the præmiſſes, and every part and parcell of the ſame, to the ſaid T. M. his executors, adminiſtrators, and aſſignes for ever. And the ſaid R. C. for him, his executors, &c. doth covenant and grant by theſe preſents, to and with the ſaid T. M. his executors &c. that he the ſaid R. at the time of the date hereof, was true, ſole, and proper owner of the ſaid parcels of Plate, and all and ſingular other the præmiſſes, and every part and parcell of the ſame, and then had full power, and good, juſt, lawfull, and perfect right, title, and intereſt, to bargaine, ſell, give, grant, and deliver, all and ſingular the præmiſſes, and every part and parcell thereof, in forme aforeſaid. Provided alwayes, and it is agreed betweene the ſaid parties, &c. that if the ſaid R. C. his executors, adminiſtrators or aſſignes, ſhall well and truly content and pay or cauſe to be payed to the ſaid T. M. his certaine Attorney or executors, the ſumme of &c. in the feaſt day of &c. That then this preſent bargaine, ſale, gift, and grant of all the præmiſſes, and every parcell thereof, to be utterly fruſtrate, voyd, and of none effect. And that then alſo the ſaid parcels of Plate, and all other the præmiſſes ſhall be by the ſaid T. his executors, &c. redelivered to the ſaid R. his executors, adminiſtrators, &c. at the manſion houſe of the ſaid T. within the City of N. aforeſaid: any thing before recited to the contrary in any wiſe notwithſtanding. In witneſſe, &c.

A Bill of Sale.

BE it knowne unto all men by theſe preſents, That I J. M. of L. Gentleman, in conſideration of the ſumme of ſix pounds of lawfull money of England, to me in hand, at and before the ſealing and delivery hereof, by J. C. of L. Draper, well and truly payed, whereof and wherewith I doe acknowledge my ſelf fully ſatisfied and contented, have bargained and ſold, and in plaine and open Market within the City of London, hath delivered unto the ſaid J. C. one gowne of black ruſſet coloured clot furred throughout, and layed on with a billiment lace, and one cloake of ſatten garded with two gards of velvet round about. To have and to hold the ſaid gowne and cloake before ſold, and every part thereof unto the ſaid J. C. his Executors and Aſſignes, freely, peaceably, and quietly, as his and their owne proper goods for ever, without any let or denial of me the ſaid J. M. mine executors and aſſignes, or any of us and with warranties againſt all people for ever by theſe preſents. Provided alwayes, that if I the ſaid J. M. mine executors or aſſignes, or any of Sect. 428.

ng, doe well and truly pay, or cause to be payd vnto the said I.C. his &c. that then the sais aforesaid to be void and of none effect, or else to stand and abide in full strength and vertue. Sealed with my seale, &c. Given the 21. day of Feb. &c.

A Gage of a Chaine of Gold.

Sect. 429. HÆc Indentura fact' &c. inter R.W. & B.M. &c. testatur q; prædict' R. vendidit B. quand' Catenam auream cum una cruce aurea sculpt', cum uno crucifixo pondet' in toto quinque unc' appreciat', ad C.l'. &c. Præd' tamen B. vult et concedit pro se et executoribus suis per præsentes q; si p̄dict' R. solvat, seu solvi faciat præfat' B. aut suo certo attorn', seu executoribus suis septimo die mensis Iulii proximo futur' post datum præsentium x.l', &c. quod tunc prædict' B. deliberabit seu deliberari faciet p̄f. R. aut suo certo attornato p̄d' catenam cum cruce p̄d', absq; impetitione vel contradictione aliqua. In cujus &c.

Leases.

A Lease for yeares, of a messuage by a Corporation.

Sect. 430. THis Indenture made the 11. day of A. in the xviii. yeare of &c. Betweene W.P. Citizen and Goldsmith of L. Master of the guild or fraternity of &c. and R.C. Citizen and Merchant Tailors of L. Wardens of the said guild or fraternity on the one party, and R.S. of L. Esq. on the other party, Witnesseth, that the said Master and Wardens, for them and their successors, with the assent, will and consent of all the brethren and sisters of the said fraternity or guild, have granted, demised, and to ferme letten to the said R.S. by these presents, all that their messuage or tenement and garden adjoyning, with cellers, soilers, and all other appurtenances thereunto belonging, called A.B. set and being in Fleet-street in the said Parish of S.D. that is to wit, betweene the tenement pertaining to the Deane and Canons of the Kings Chappell of S. within the Palace in W. now in the holding of I.C. on the East part, and a tenement pertaining to the said fraternity now in the tenure of T.M. on the West part, and the gardens pertaining to the mystery or craft of Goldsmithes of London on the North part, and the tenements pertaining to the said fraternity, wherein I. D. Warrhandler, and I. F. Gent. now dwell on the South part. To have and to hold the said messuage or tenement and other the premisses above letten with the appurtenances to the said R.S. his executors or

assignes,

assignes, from the Feast of the Annunciation of our blessed L. the Virgine last past before the date hereof, unto the end and terme of xxx. yeares then next ensuing, and fully to be compleat. Yeelding and paying therefore yearly during the said terme to the said Master and Wardens, and to their successors or assignes iiij.li. of good and lawfull money of England, at foure times of the yeare, that is to say, at the Feast of the Nativity of S. John Bap. S. Mich. the Archangell, the Nativity of our Lord God, and the Annunciation of our Lady the Virgine, by even proportions. And if it happen the said yearly rent of foure pounds to be behind and unpayd in part or in all by the space of one moneth next after any of the said Feasts of payment, at the which it ought to bee payd: That then it shall be lawfull to the said Master and Wardens and their successors, into the said messuage or tenements and other the premisses above letten with the appurtenances, and every parcell thereof to enter and distraine, and the distresses so there taken, lawfully to beare, lead, drive, and carry away, and the same to withhold and keepe untill they of the said yearly rent, and every parcell thereof within the arrerages of the same (if any be) unto them be fully contented, satisfied and payd. And the said R. S. for him, his executors and assignes covenanteth and granteth to and with the said Master and Wardens and their successors by these presents, that he the said R. S. his executors and assignes, at his and their proper costs and charges, the said messuage or tenement, and other the premisses above letten with the appurtenances, with the pavements and way, draughts of the same, in and by all things well and sufficiently shall repaire, sustaine, maintaine, scoure, and cleanse as often as need shall require during the said terme, and the same so repaired, scoured and cleansed, with all glasse windowes, yron doores, lockes and keys (as it is thereof and therewith now fully furnished and garnished) at the end of the same terme shall yeeld up and leave. And that it shall be lawfull to the said Master and Wardens and their successors, at all times during the said terme, at their liberty and pleasure, to come and to enter into the said messuage or tenement, and other the premisses above letten with the appurtenances, and every parcell thereof, there to view and search what reparation shall be needfull to be made and done: and upon such view and search had, the said R. S. for him, his executors and assignes covenanteth and granteth to and with the said Master and Wardens and their successors by these presents, that the same R. his executors and assignes at his and their proper costs & charges, shall during the said terme within one quarter of a yeare next after monition and knowledge to him or them given by the said Master and Wardens, or their successors, well and sufficiently from time to time re-

paire and amend, all such defaults and lacks of reparations, as there shall happen to be found. And that the same R. his executors and assignes during the said terme, shall peaceably and quietly permit and suffer the said T. W. and all other tenants of the said fraternity dwelling thereabout, to have, use and injoy all such lights, penthouses, and other easements as now be and appertaine to their severall tenements or mansions, without any stopping, darkening, empayring, breaking, hurting and diminishing, and without let, interruption, or disturbance of the same R. his executors or assignes, or of any other person or persons by his or their commandement, meanes or procurement. And that it shall not be lawfull to the said R. his executors nor assignes, to bargaine, grant, alien, let or set his lease interest or terme of and in the said messuage and other the premisses above letten, or any parcell thereof, to any person or persons during the said terme, but only at will from yeare to yeare, without the consent and agreement of the said Master and Wardens or their successors, first had and obtained in writting under the common seale of the said fraternity. And the said Master and Wardens for them and their successors, covenant and grant to and with the said R. S. his executors, &c. by these presents, that the same Master and Wardens and their successors at their proper costs and charges shall beare and pay all manner of quit rents, and other rents and duties if any such be due or to be due, and going out of, and for the said messuage or tenements and other the premisses above letten during the said terme, and thereof shall acquit, discharge or save harmeles the said R. S. his &c. In witnesse whereof to the one part of this Indenture remaining with the said Master and Wardens and their successors, the said R. S. hath put his seale: and to the other part of the same Indenture remaining with the same R. the said Master and Wardens have put their common Seale of the said fraternity. Given the day and yeare above written.

A Lease for yeares of a House.

Sect. 431. THis Indenture, &c. Betweene T. D. and A. his wife on the one party, and N. S. on the other party, Witnesseth, that the same T. and A. the day of the making hereof have demised, betaken &c. to the said N. all their messuage or tenement, with all shops, cellars, &c. to the same belonging, set, lying, or being in &c. which was lately in the tenure and occupation of J. C. To have & to hold the foresaid messuage, (ut supra.) Yeelding and paying therefore yearely during the said terme of T. and A. his wife, or to either of them, their heires or assignes 3. li. of &c. And if it shall happen the said yearely rent of &c. (As in distresses.) In witnesse &c.

A Leaſe for yeares with exceptions.

THis Indenture, &c. Betweene T. I. &c. Witneſſeth that the ſaid T. I. for &c. hath demiſed, &c. all thoſe his meſuages, lands, &c. except, and alwayes reſerved to the ſaid T. I. one cloſe &c. And alſo all manner of wood and timber now growing, or hereafter to grow, in and upon the ſaid premiſſes, or any part thereof, together with free egreſſe and regreſſe, to and for the ſaid T. I. his executors, aſſignes, ſervants, and workmen, to and from the ſaid premiſſes, as well with horſes and carts, as otherwiſe, as well for the felling, making, and carrying away of wood and timber, as alſo for the repairing and amending of the edifices belonging to the premiſſes. To have and to hold ſo much of the ſaid lands and tenements, and other the premiſſes as be freehold, (except before excepted) to the ſaid I. P. his executors and aſſignes, from the feaſt of &c. for and during the terme of xxj. yeares, from thence next inſuing, and fully to be compleat and ended. And to have and to hold as much of the ſaid premiſſes, as be copyhold, or cuſtomary tenure, to the ſaid I. P. his &c. from yeare to yeare, as the ſame copyhold may be letten without forfeiture, and not otherwiſe. Yeelding and paying for all and ſingular the premiſſes (except before excepted) being freehold &c. and for all the reſidue of the ſame premiſſes being copyhold, &c. And the ſaid I. P. covenanteth &c. that the ſaid I. his &c. ſhall yearely and every yeare during all the ſaid terme, find, or cauſe to be found one ſufficient Thatcher and his ſervitor, with ſufficient meat, drinke, and wages three dayes in the yeare at convenient times, for the repairing and amending of the edifices and buildings of the ſaid premiſſes, the ſaid T. I. finding ſtraw and all other things neceſſary for the ſame 3. dayes worke, and every of them from time to time during all the ſaid terme. And further, that he the ſaid I. P. his executors or aſſignes at the end of the ſaid terme of 21. yeares, ſhall leave all the fences, hedges and gates belonging to the premiſſes, well and ſufficiently made and repaired, the ſame I. his executors or aſſignes taking in and upon the premiſſes, ſufficient thorns and other convenient fenſing ſtuffe, as well for the making and repairing of the ſaid fences, hedges and gates from time to time during all the ſaid terme, as alſo for the leaving of the fences, hedges, and gates, well and ſufficiently made and repaired, as is aforeſaid, at the end of his terme, by the aſſignement and appointment of the ſaid T. I. his executors or aſſignes. Provided alwayes, that it ſhall be lawfull to the ſaid I. P. his executors or aſſignes, from time to time during all the ſaid terme, to take in and upon the premiſſes without any aſſignement, as is aforeſaid, thornes, and other. Sect. 432.

other fenſing ſtuffe for the ſtopping of gappes and repairing of the ſaid fences and hedges, ſo that the ſame fenſing and ſtopping doe not exceed above a rod at one time: any thing heretofore in theſe preſents mentioned to the contrary in any wiſe notwithſtanding, &c. And the ſaid I. covenanteth, &c. that it ſhall be lawfull to and for the ſaid T. I. his executors, aſſignes, ſervants, and workefolkes, to enter, come, and goe into and from the grounds belonging to the ſaid premiſſes for the felling, making, and carrying away of all ſuch wood and timber, as the ſaid T. I. his executors, aſſignes, and ſervants ſhall from time to time fell and make, during all the ſaid terme, without let or interruption of the ſaid I. P. his executors, or aſſignes. And that he the ſame I. his executors or aſſignes, ſhall not at any time during the ſaid terme, harry, or breake up any part or parcell of the cloſe lying at C. bridge, parcell of the demiſed premiſſes, without the conſent and agreement of the ſaid T. I. his executors or aſſignes. And that the mucke or dung that ſhall be made by his horſes or neat in the time of their ſtanding in, ſhall be beſtowed yearely, in and upon the arable land belonging to the premiſſes. And furthermore, that he the ſaid I. his executors and aſſignes, ſhall and may eare and ſow any of the ſaid arable land belonging to the ſaid premiſſes (except before excepted) 2. yeares together during the ſaid terme, and not above, ſafter that let the ſame land lie one yeare fallow. And the ſaid I. P. covenanteth &c. that he the ſame I. P. his executors and aſſignes, ſhall well and ſufficiently paſture and feed within the premiſſes, to and for the ſaid T. I. his executors or aſſignes, one gelding and one milch cow yearly, and every yeare during the ſaid terme. And alſo ſhall freely give and deliver to the ſaid T. I. his executors or aſſignes, two good and able ſwine hogs, well and able fatted at the coſts and charges of the ſaid I. P. his executors or aſſignes. And alſo one boare good and able in like caſe fatted, and ready dreſſed at the feaſt of the Nativity &c. yearly and every yeare during all the ſaid terme of &c. And alſo ſhall yearly &c. well and able fat in and upon the premiſſes, to and for the uſe of the ſaid T. I. his executors or aſſignes one bullocke being of the age of 3. yeares to be killed, and yearly deliver the ſame to the ſaid T. I. his &c. within the ſite of the premiſſes at the feaſt of &c. during all the ſaid terme. In witneſſe, &c.

A Leaſe for yeares, reſerving Barley.

Sect. 433. THis Indenture, &c. Betweene R. T. of &c. and W. A. of &c. Witneſſeth, that the ſaid R. hath demiſed &c. unto the ſaid W. A. ten acres of land &c. To have and to hold &c. Yeelding and delivering therefore unto the ſaid R. T. his executors and aſſignes at the late manſion houſe of the

the ſaid R. &c. betweene the Feaſt of all Saints, which ſhall be in the yeare of our Lord God 1599. and the Feaſt of the Purification of our Lady then next &c. xx. quarters of Barley of good meaſure, and good ſtuffe and merchantable, well cleanſed and by a lawfull buſhell to be meaſured, for the firſt yeares farme or rent of the ſame terme: And betweene the Feaſts of all Saints and the Purification of our Lady then next and immediately enſuing xx. quarters of barley of like corne and like meaſure at the place aforeſaid, for the ſecond and laſt yeares farme of the ſame terme. And if it happen the ſaid yearly rent, &c. As in diſtreſſes. And the ſaid W. A. covenanteth &c. to permit and ſuffer the ſaid R. his &c. farmers of the ſouldcourſe of E. to have ſuch thacke upon the demiſed premiſſes with their ſheep at ſeaſonable and convenient times to be accounted from Mich. till the Annunciation of our Lady yearely, as heretofore they have lawfully uſed within the ſaid Towne. And the ſaid R. T. for him &c. covenanteth &c. that he the ſaid R. his executors &c. ſhall from time to time during the ſaid terme acquite, diſcharge or ſave harmeleſſe the ſaid W. his executors &c. and alſo the demiſed premiſſes of all manner of outrents, taskes, ſubſidies, tithes, tenths, farmes and charges, that ſhall be inſuing, going out, or payable out, of, or for the ſaid demiſed premiſſes, or any part thereof, except the yearely rent above reſerved. And further the ſaid R. covenanteth &c. that it ſhall and may be lawfull unto the ſame W. his executors &c. by vertue hereof, to have, hold, occupy, and enjoy the ſaid demiſed premiſſes, for the yearely rent or farme above reſerved peaceably and quietly without any lawfull let, &c. during the ſaid terme &c. And that the ſaid W. A. will ſufficiently make or cauſe to be made a true and perfect terrar or boundary of every ſeverall parcell of &c. how the ſame doe lye ſeverally, butt, and bound, and deliver the ſame to the ſaid R. T. or his heires in the now dwelling houſe &c. before the feaſt &c. next inſuing. In witneſſe, &c.

A Covenant that rent ſhall ceaſe upon Eviction.

And the ſaid I. W. for him &c. that if it happen any of the premiſſes by reaſon of any former leaſe, intereſt, or other title, to be withholden or kept, from the occupation, poſſeſſion or having of W. E. his executors or aſſignes, that then the rent of the ſame reſerved to be payd ſhall ceaſe to be payed, during all ſuch times as the ſame ſhall be ſo kept from the ſaid W. his heires, executors and aſſignes, and that the ſame W. his &c. ſhal quietly have, occupy and injoy the ſame premiſſes ſo kept from him, his executors, &c. after ſuch time as the former leaſes and intereſts ſhall be determined, expired and ended, &c. and untill the full end and terme of the full reſt and reſidue of the ſaid xx. yeares then behind, and Sect. 434.

not

not by him occupied, and for and by the only rent afore reserved for the same, &c.

A Lease for yeares of a messuage and lands.

Sect. 435. THis Indenture, &c. Betweene Sir I. B. of &c. and G. P. &c. Witnesseth, that the said I. B. &c. hath demised &c. unto the said G. P. all that messuage or tenement called C. and one croft called R. and rr. acres of land thereunto belonging, &c. To have, hold &c. from the day of the date of these presents, unto the end and terme of and for during all the terme of one and twenty yeares then next and immediatly ensuing fully to be compleat and ended dispunishable and without impeachment, of, or for any manner of strepe, spoile, destruction, or wast of woods whatsoever. Yeelding and paying therefore &c. And yeelding and doing suit at the Court of the said I. B. his Heires and Assignes, to bee holden at the Manor of A. in the County of H. twice every yeare during the said terme upon reasonable sommons, and in default of every such suit to be hereafter made shall yeeld and pay to the said I. B. his Heires and Assignes for the first default foure pence, the second default six pence, the third time twelve pence, and so for every such default to be made after the foresaid third default to be made during the said terme two shillings. And also yeelding and paying unto the said I. B. his Heires and Assignes at the Feast of the Nativity of our Lord God which shall be in every iij. yeare of the said terme of one and twenty yeares twenty shillings, for and in respect of a fine and herriot and for and in discharge of all other duties, services, fines, herriots and demands other then such as beene before in this present Indenture reserved. And if it shall happen the said yearly rent of &c. or the sum of rr. s. reserved for and in respect of a fine and herriot, as is aforesaid, or the said money for suit of Court, or any part or parcell thereof to be behinde unpaid after any of the said feasts before by these presents limited and mentioned in which the same ought to be payd, being lawfully demanded at the now mansion house of the premisses: that then &c. As in destresses, I. B. his heires, executors, administrators or assignes, into the premisses and demised tenements to enter and distraine, and them to detaine and keepe, untill they shalbe satisfied and payed of the said rents, fines and summes aforesaid so happening to be behind and unpayd, together with the arrerages thereof if any such shal happen to be. And the said I. B. &c. covenanteth &c. that he the said I. B. at the ensealing and delivery hereof standeth and is sole, only and rightly seised of the said tenements and premisses, of an estate of inheritance in fee simple, or in fee taile generall with the reversion

sion or remainder thereof to his owne heires for ever in his owne right, and to his owne use without any manner of condition or other limitation of use which may alter, change, destroy or discontinue the same or any part thereof, by good, perfect, and sufficient conveyance and assurance in the law, and that he the said I.B. at the ensealing and delivery hereof hath good, full, and perfect power, and lawfull authority to demise, grant, assure, and convey the said messuage, tenements, and other the premisses, unto the said G.P. his heires, executors, administrators, and assignes, according to the effect and true meaning of these presents. And that the said I. his heires, executors, administrators and assignes, shall and will, at all times hereafter during all the said terme of one and twenty yeares, acquite and discharge, and save harmeless as well the said G. P. his heires, executors, administrators and assignes, and all other occupiers of the premises, as all the said tenements, and premisses and every part thereof, of, and from all former bargaines, sales, leases, dowers, joyntures, rents, services, rent charges, arrerages of rents, and all other charges and incumbrances whatsoever, other than the rents services and summes of money in these present Indentures before reserved and mentioned. And that the said G.P. his heires, executors, administrators, and assignes, and every of them shall and may at all times hereafter, and from time to time, during the said terme of xxi. yeares have, hold, occupy, and enjoy all and singular the said messuages, lands, tenements, and other the said demised premisses, and every part and parcell thereof with the appurtenances according to the tenor, effect, and true meaning of these presents, without any manner of lawfull let, interruption, suit, veration, impediment, eviction or trouble of the said I.B. or any other person or persons, by his or their commandement, meanes, procurement, assent, consent, occasion or agreement, or lawfully claiming, or which shall or may hereafter lawfully claime from, by, or under the said I.B. or his title &c. In witnesse, &c.

A Lease of Lordships by a Deane and Canons.

THis Indenture, &c. Betweene I.P. Doctor of the civill law, Deane of the College, &c. And the Canons of the same College on the one party, and A.D. on the other party, Witnesseth, that the said Deane and Canons by their whole and mutuall assent &c. have demised &c. unto the said A. their mansion or dwelling place of their Manor or Lordship of T. aforesaid in the said County of B. lately called the Priory, with all the scite and circuit of the same mansion, barnes, stables, and all houses, buildings, yards, closes, orchards, gardens, ponds, and shewes, contained within the same scite or circuit, together with the demesne lands, meadowes Sect. 436.

dowes and pastures, with all and singular the appurtenances to the said mansion or dwelling place, Manor or Lordship, or to any part or parcell thereof, or to any of them belonging, or in any wise appertaining, and also all and singular their lands, tenements, meadowes, leases, pastures, commons, fishings, with all other easements, profits and commodities, and all other their hereditaments, whatsoever they be, set, lying and being within the Towne and fields of T. aforesaid: and also all those their two milles called, &c. with all and singular their appurtenances, profits and commodities, and with all other their messuages, lands, tenements, meadowes, pastors, commons, easements, profits and commodities, with all and singular rents, reversions, remainders, and services, of all the tenants, as well freeholders as tenants for yeares or from yeare to yeare, copiholders, tenants at will or otherwise, set, lying or being, to be perceived or taken within the townes, parishes or fields of S. &c. lately belonging or appertaining to the said late Prior of T. aforesaid, with all and singular their appurtenances and all that their Manor or Lordship of T. with all the demeans of the same, and all and singular their other messuages, &c. as next above. And also all manner of such glebe lands and tenements, tithes, oblations, fruits, profits and commodities whatsoever they be, to the Churches and Parsonages of N. C. and L. or to any of them now belonging, or in any wise appertaining, or which at any time heretofore have of right appertained, or belonged to them, or to any of them: And also all and singular pensions and portions in L. W. and with all rights, profits, casualties, and commodities, as well spirituall as temporall: together with all woods, underwoods, warrens and other liberties whatsoever they be, to the said manors, or Lordships of T. or C. or to either of them belonging, or in any wise appertaining, or that be set, lying or being in the Townes and fields of T. and C. &c. aforesaid, or in, or upon any of the premisses: Excepted and alwayes reserved unto the said Deane and Canons, and to their successors, all such rents and fruits, pensions and portions, which be contained in a Scedule indented thereof made, and to this Indenture annexed, amounting to the yearely value of xx.li. And also except and reserved unto the said Deane, &c. all and singular felons goods, reliefes, wards, marriages, escheates, heriots, advowsons, and patronages of Churches, in any wise to the said Lordships belonging. To have, hold, occupy, and peaceably to possesse and injoy the said scite, Manors, or Lordships, and all and singular the Premisses with their Appurtenances (except before excepted) unto the said A. D. &c. in as ample and large manner and forme and as much for his commodity and profit, as ever any being Prior of T. aforesaid or any other farmer, occupier, or possessor of the same, have at

any

any time heretofore lawfully occupied, poſſeſſed, or inſoyed the premiſſes or any part or parcell thereof. Yeelding and paying therefore yearely unto the ſaid Deane and Canons, and to their ſucceſſors, &c. And the ſaid A. covenanteth, &c. that he the ſaid A. his executors or aſſignes, ſhall at his or their owne coſts and charges, well and ſufficiently repaire, ſuſtaine, and uphold the ſaid manor place, and all other houſes, barnes, and ſtables, and all manner of tenements and buildings, now builded: during the ſaid terme of &c. or to be builded to the ſaid manor of T. and C. or to either of them belonging or appertaining, during the ſaid terme. And alſo well and ſufficiently keepe, ſcowre, and repaire all manner of hedges, ditches, and muds, of, and in the ſaid lands of the ſaid manors, and other the premiſſes, during the ſaid terme, and ſo being well and ſufficiently repaired, in the end of the ſaid terme ſhall leave and yeeld up the ſame. And the ſaid Deane and Canons covenant &c. to beare and maintaine all manner of reparations of Chancels of all ſuch Churches as belong to any of the ſaid manors, or that now be, or that hereafter ſhall be ſcituat, edified, or builded in any of the ſaid townes, villages, or hamlets before mentioned, or upon any the ſaid lands, tenements, or other the premiſſes. And alſo to diſcharge or ſave harmeleſſe the ſaid A. D. his executors and aſſignes of all ſuch things as are due, by reaſon of compoſition made betweene the late Prior of T. and the Parochians of &c. bearing date the tenth of January, Anno Dom. 1550. as in the ſame compoſition more plainly is declared. And alſo the ſaid A. covenanteth &c. to acquite and diſcharge or ſave harmeleſſe the ſaid Deane, &c. of and for all manner of quit rents, and other charges whatſoever they be, due or accuſtomed to be paid out of the ſaid Manors or Lordſhips, or out of either of them, or other the premiſſes or any parcell thereof, to our Soveraigne Lady the Queene, the chiefe Lord of the fee or fees thereof, or to any other perſon or perſons whatſoever they be during the ſaid terme, having their commencement, beginning, and being before the date of theſe preſents, the tenth or tenthes out of any of the premiſſes due unto our Soveraigne Lady the Queene only excepted, which the ſaid Deane and Canons and their ſucceſſors ſhall beare and pay, during the ſaid terme. And moreover the ſaid Deane, &c. by theſe preſents doth licence and authorize the ſaid A. and alſo doth covenant &c. that he the ſaid A. his Executors or aſſignes, by his or their ſufficient Deputy or Deputies, ſhall keep the Courts and Leetes within the ſaid Manors and Lordſhips, or within either of them, in the name of the ſaid Deane, when and as often as it ſhall ſeem good unto the ſaid A. his Executors or Aſſignes, without fee or other allowance demanding of any perſon or perſons for the ſame, during the ſaid terme. And alſo the ſaid A. covenanteth &c. to

levy,

levy, gather, and receive to the uſe of the ſaid Deane and Canons, and their ſucceſſors al ſuch rents as be excepted and reſerved out of this Indenture and mentioned in the ſaid Scedule indented, hereunto annexed, at ſuch time as they ſhall be by the law [recovered, or by any other way or meanes ſufficiently or lawfully tried and proved againſt the ſaid tenants or detainors and withholders of the ſaid rents and duties to be payable unto the ſaid Deane and Canons, which he the ſaid A. D. may obtaine or get, without coſts and charges in the law to be had or made by the ſaid A. for the ſame, and for the collection thereof to demand no fee or other allowance whatſoever, of the ſaid Deane and Canons upon his accompt thereof to be made before the Auditors of the ſaid Deane and Canons and their ſucceſſors during the ſaid terme. Alſo the ſaid A. covenanteth &c. to make payment, at and within the ſaid College of the ſaid yearely rent of &c. equally at the termes of payment before ſpecified, to the hands of the Treaſurer of the ſaid College, at his owne proper coſts and charges, without allowance taking for the ſame, during the ſaid terme. And the ſaid Deane and Canons for them and their ſucceſſors do covenant &c. that the acquitance made, ſealed, and ſigned by the Treaſurers of the ſaid College, or by either of them to the ſaid A. or his executors, or his aſſignes, for the payment of the ſame yearely rent, or any part or parcell thereof, in manner and forme before mentioned, ſhall be a good, ſure, and ſufficient warrant and diſcharge unto the ſaid A. his executors and aſſignes, and to his or their deputy or deputies for the payment thereof. And if it happen that the ſaid yearely rent of &c. to be behind &c. As in diſtreſſes. And if it happen the ſaid yearely rent of &c. to be behind unpayed in part or in all, after any of thoſe feaſts of payments, before mentioned, by the ſpace of three Moneths, and lawfully asked or demanded, at, or in the ſaid manſion houſe of T. aforeſaid, and no ſufficient diſtreſſe can there be found upon the ſaid tenements and premiſſes, for the ſame rent ſo behind: That then &c. As in Reentries. And the ſaid Deane and Canons covenant &c. that if the ſaid A. his Executors and Aſſignes, ſhall happen at any time hereafter to be evicted or diſpoſſeſſed of any of the premiſſes, or any part or parcell thereof, without covin or fraud on the part of the ſaid A. his Executors or Aſſignes: That then the ſaid rent of, &c. ſhall be appoꝛtioned and diminiſhed accordingly, and after ſuch rate and poꝛtion, as the quantity and value of the ſaid Lands, Tenements, and Hereditaments, and other duties, parcell of the Premiſſes ſo evicted or taken from the poſſeſſion or occupation of the ſaid A. his Executors or Aſſignes, ſhall amount and ariſe unto. And that it ſhall bee lawfull unto the ſaid A. his Executors or Aſſignes, to defaulke and retaine ſo much of his rent at every of the ſaid payments:

payments: This Indenture, &c. notwithſtanding. And further the ſaid Deane and Canons for them and their ſucceſſors covenant, conclude, grant, and promiſe, &c. As in covenants of further aſſurance. And the ſaid A. covenanteth &c. to find houſe, lodging, meat, ſtable, hay and provender for the horſes of the ſaid Deane and Canons, and other comming with him or them in progreſſe once in the yeere by the ſpace of two dayes and two nights, the ſayd Deane and Canons and their ſucceſſors, paying reaſonably for meat onely and drinke ſo provided during the terme aforeſaid. And further the ſaid A. covenanteth, &c. that he his executors and aſſignes, ſhall at the end and terme of every xij. yeeres (during the ſaid terme) deliver, or cauſe to be delivered unto the ſaid Deane, &c. the Court Rolles well and truly ingroſſed in parchment, at his and their coſts and charges of ſuch Courts as ſhall be kept in the ſaid manors of B. and C. during any of the ſaid xij. yeeres, and alſo at the end of every ſuch xij. yeeres, he the ſaid A. his executors or aſſignes ſhall as neere as they can, deliver, or cauſe to be delivered to the ſaid Deane, &c. in manner before rehearſed, a true terrar or boundary of all the lands and tenements, rents and ſervices, being parcell or in any wiſe appertaining to the ſaid manors. And the ſaid Deane and Canons covenanten &c. that they ſhall deliver or cauſe to be delivered unto the ſaid A. &c. at ſuch times as they ſhall bee thereunto required, one or two of their moſt true terrars or boundaries, whereby the ſaid A. his executors or aſſignes may the better come to knowledge of all the ſaid lands, tenements, rents, and ſervices appertaining to the ſaid manors. And the ſaid Deane and Canons, and their ſucceſſors, all the ſaid manors, &c. As in covenants of quiet enjoying and ſaving harmeleſſe. And alſo where the ſaid A. ſtandeth bounden unto the ſaid Deane and Canons and their ſucceſſors by his deed obligatory bearing date with theſe preſents, in the ſumme of &c. the ſaid Deane and Canons covenanten &c. that if the ſaid A. his &c. doe well and truly obſerve, performe, fulfill and keepe, all and ſingular ſuch covenants, grants, proviſoes, articles, and agreements comprized in this Indenture, which on the part and behalfe of the ſaid A. his executors, adminiſtrators, and aſſignes ought to be obſerved, performed, fulfilled and kept: That then the ſaid deed obligatory to be void and of none effect, or elſe to ſtand in his full ſtrength and vertue. And the ſaid Deane and Canons, etc. that it ſhall be lawfull to the ſaid B. his executors and aſſignes, to have and to take in, and upon the ſaid lands before letten, competent and ſufficient firebote, carbote, plowbote, and hedgebote, to be occupied and ſpent, in, and upon the lands and tenements aforeſaid, at all times during the ſaid terme. In witneſſe &c.

A Lease for yeeres in the Court of Wards.

Sect. 437. THis Indenture, &c. *ut supra* 330. and W. P. of the other party, Witnesseth, that our said soveraigne Lady, with the advice of the Master and Counsell of her Graces Court of Wards and Liveries, for and in consideration of the summe of &c. to the Receiver generall of the N. said Court of Wards and Liveries, to her Highnesse use in hand payed, is contented and pleased to grant, and by these presents doth grant, demise, and to farm let, unto the said W. P. parcell of the lands and possessions late of G. H. deceased, in the County of C. hereafter particularly declared, viz. One tenement with the appurtenances etc. Reciting all the Lands particularly. All which premisses before recited, in R. C. and L. amount in the whole to the cleere yeerly value and rent of xij. li. iij. s. being in the hands and possession of our said Soveraigne Lady by the minority of T. H. the Queenes Majesties Ward, excepted, and alwayes reserved out of the said grant, all advowsons, presentations, nominations, gifts of Churches, and spirituall promotions, woods, underwoods, saving such as are before specially named, wards, marriages, knights fees, reliefes, fines, heriots, and mines of metall, stone and coale, rising and growing in and upon the said lands, tenements, and other the premisses with the appurtenances, or any part thereof, during the minority of the said heire. To have and to hold the said lands, tenements, and other the premisses with the appurtenances, (except before excepted) to the said W. P. and his assignes, from the death of the said S. H. during the minority of the said heire. Yeelding and paying therefore yeerely during the said terme, to the Queenes feodary of the said County of C. or to his lawfull deputy for the time being, to her Highnesse use, the summe of &c. at the feasts of &c. by even portions. And the said W. P. covenanteth, etc. for him and his assignes, by these presents, that he the said W. P. and his assignes, over and besides the said rent before reserved, shall also content and pay to the Receiver generall of the N. Court of Wards and Liveries, to the use of our Soveraigne Lady, or of her heires and successors all such summes of money, which shall hereafter be found due and payable in the said Court, for the meane rates and profits of the said lands, tenements, and other the premisses with the appurtenances, untill such time as the said lands &c. be prosecuted and had, out of the hands and possession of our said Soveraigne Lady, or of her heires and successors, by Livery, Ouster le maine, or otherwise, according to the order of the Law. And the said W. P. covenanteth &c. for him and his assignes, by these presents, that he the said W. P. and his assignes, during the said terme, shall

ſhall at his and their owne proper coſts and charges, make or cauſe to be made, all manner of neceſſary and needfull reparations upon the ſaid lands, &c. when and as often as need ſhall require, and ſufficiently repaired, at the end of the ſaid terme ſhall leave the ſame, and ſhall diſcharge, content, and pay yeerely all rents, tithes, and other charges lawfully demanded, and going out of the ſaid lands, tenements and other the premiſſes with the appurtenances: And likewiſe alſo ſhall from time to time, permit and ſuffer the ſaid Feodary for the time being, to ſurvey the ſaid lands &c. as well for the knowledge of the performance of the covenants, contained in this Indenture on the behalfe of the ſaid W. P. and his aſſignes, as of all waſts, incommodities, hurts, and decayes already fallen, and which may riſe and grow, to the hinderance of the ſaid heire, or to the impairement of the Queenes right and profit, and ſhall at all times hereafter be contented to receive and fulfill all ſuch further orders which the ſaid Maſter and Councell ſhall take for the redreſſe of any ſuch default found by the ſaid ſurvey: ſo as neither the Queene, nor her Highneſſe ſaid Ward, doe ſuſtaine any loſſe or prejudice by their negligence, for lacke of their helpe, to whom the charge appertaineth. And the ſaid W. P. covenanteth, &c. for him and his aſſignes by theſe preſents, that if at any time hereafter by the ſurvey of the ſaid Maſter and Councell, or any other by them authorized, it be found that the ſaid lands, tenements, and other the premiſſes with the appurtenances, were of more, better, and yeerely value or rent, at the time of the making hereof, than the rent before reſerved doth amount unto, or that any rent or profit whereof the Q. ought to be anſwered, be omitted, and not truly reſerved upon this Leaſe: That then the ſaid W. P. and his aſſignes ſhall content and pay yeerely during the ſaid terme to the ſaid Feodary for the time being, to her Highneſſe uſe, at the feaſts before limited for the payment of the ſaid rent, the overplus found by the ſaid ſurvey to be above the ſaid rent, &c. and ſhall likewiſe content and pay the arrerages of the ſame overplus from the beginning of this Leaſe and Grant. And further that neither he the ſaid W. P. nor his aſſignes, ſhall doe, or ſuffer to be done any ſtrepe, (ut ſup. 369.) And it is agreed on the behalfe of the Q. by the ſaid P. and Councell, that he the ſaid W. P. and his aſſignes, during the ſaid terme, ſhall have and take upon him the ſaid lands, &c. by the aſſignement of the ſaid P. and Councell, or any other by them authorized, ſufficient houſebote, firebote, and cartbote, only to be uſed and expended in, & upon the ſaid lands, &c. And the ſaid W. P. covenanteth &c. ut ſup. 369. And ſhall once in every yeere during the ſaid terme, bring or ſend to the Auditor generall of the ſaid court of Wards & Liveries his acquittances, declaring payment of the rent before reſerved, and hereafter growing

upon this lease, and also bring the same lease, within one halfe yeere next after the date hereof, unto the Auditor aforesaid, to have the same there inrolled, as the same Auditor may have perfect knowledge and understanding how to charge and allow the said rent, or other charge rising upon this lease, at all times when need shall require. And it is provided on the behalfe of the M. by the said P. and Councell, that if at any time hereafter, during the said terme, it fortune the said rent (As in reentries and distresses) untill her highnesse be fully answered and payd, as well of the said rent, and the arrerages thereof, as of the value of the detriment and damage sustained by the breaking of the said covenants, or of any clause or article before mentioned, this lease or any thing therein contained to the contrary. In witnesse, &c. *ut supra* 330. *b*.

A Lease of a Brewhouse.

Sect. 438. THis Indenture, &c. Betweene A. B. and C. D. Witnesseth, that the said A. B. hath demised, &c. to the said C. D. all that his brewhouse with all and singular the appurtenances called M. set, lying and being in F. in the parish of &c. together with all manner vessels and utensils to the said Brewhouse belonging, or in any manner wise appertaining. viz. ij. horse mils, price &c. great leads, price &c. one mash fat, price &c. x. barrels, price &c. together with all manner of vessels and utensils contained in a certaine schedule hereunto annexed. To have &c. And the said C. D. covenanteth &c. that he the said C. his &c. shall well, truly and sufficiently maintaine, repaire and sustaine the said Brewhouse, vessels and utensils, &c. during the said terme. Provided alwayes, that if any of the sayd vessels or utensils shall need, during the terme aforesaid, by meanes of oldnesse to be renewed, That the said A. B. his etc. shall of his and their proper costs and charges, renew all and every such vessels or utensils to be renewed, as oft as need shall require during the said terme, so that the same be not broken or destroyed by the default or negligence of the said C. or his servants. In witnesse, &c.

A Lease of Corne or Graine by the King.

Sect. 439. HÆc Indentura facta int̄ dominum reg. ex una pte, & I. C. Milit' ex alter̄ pte, Testat' qd' idem dominus Rex per advisam̄t̄ consilii cur̄ Augmtac' revention' Coronæ suæ, tradidit, concessit, & ad firmā dimisit præfat' I. C. omnia illa ducent' quarteria hordei, & quadragin' quarter̄ frumti boni & suavis grani, quæ firmarius seu firmarii Rectoriæ de O. & H. in com̄ L. pcel. posſ, nuper Monaster̄ de N. in Com̄. Ebor̄ pro & nomin' redd'

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ſive annualis firmæ eiuſdem Rector' dicto Domino Regi annuatim reddere & deliberare debent ſeu debet, Habend', gaudend', & annuat' p̄cipiend' hordeum & frum̄t p̄d' præfat' I.C. aſſign' ſuis, à feſto S. Mar' Evang. ultimo præterito, uſq; ad finem term̄, & p̄ term̄ xxj. anor' extunc prox' ſequen' & plenar' complendor'. Redd'inde annuat' dict' Domino regi, hæred' & ſucceſſor' ſuis xl.li. xiij.s. iiij.d. legalis monet' Angl' viz. pro p̄d' CC. quarter' hordei xxx.li. & pro p̄d' xl. quarter frumenti x.li. xiij.s. iiij.d. ad feſtum S. Marci Evang. & S. Kather' in hiem̄, vel infra unum menſem poſt utrumque feſtum feſtorum illorum ad curiam p̄dict' per æquales porciones ſolvend' durante termino predicto, &c. *ut ſupra.*

A Leaſe of a Warren of Conies.

THis Indenture, &c. Witneſſeth, that the ſaid W. B. hath demiſed &c. to the ſaid S. I. and T. all that warren called B heath warren in H. in the ſaid County, bounden as followeth, viz. from a place called W. farme, unto a certain cloſe called H. cloſe, &c. unto a certain lodge thereupon: And alſo the liberty of keeping, keeding, and killing of conies, of, and within the ſaid ground called B. as it is before in theſe preſents limited and bounden: And alſo the liberty and right which the ſaid W. now hath, or of right ought to have, to fetch home, or kill the conies ſtraying in H. parke and N. cloſes, or any other grounds, lying on the north ſide of the beck running from weſt fen aforeſaid, unto a bridge called S. Childrens bridge within the bounds of H. and N. aforeſaid. To have and to hold &c. Yeelding and paying &c. provided alway, and it is agreed betweene the ſaid parties by theſe preſents, that the ſame S. I. and T. their executors or aſſignes, ſhall not willingly ſuffer any conies to breed within any of the grounds where the ſaid conies ſhall fortune to ſtray as is aforeſaid, nor ſhall by themſelves, their aſſignes or ſervants, wellingly prejudice or damage any man being owner or farmer of the ſame grounds, by breaking of the fences, or digging of his or their ſoile, or by any other wayes or meanes, as little as many be. And the ſaid S. I. and T. covenant &c. as in covenants to repaire. And alſo ſhall leave the ſaid bowres in the foreſaid ground do them demiſed, whole, tenauntable, and not mangled or decayed. And the ſaid S. I. and T. doe further covenant &c. that then the ſaid S. I. and T. their executors or aſſignes, ſhall leave, in, and upon the demiſed premiſſes, ten hundred of living conies, at the end of the ſaid terme, whereof the one halfe to be black, and the other halfe gray, or pay and recompence unto the ſaid W. B. his executors or aſſignes, for every hundred of the ſaid black conies that then ſhall be wanting liij s. iiij.d. and for every hundred of gray that ſhall be wanting

ting xrr.s. the same to be viewed by foure indifferent men, whereof two to be chosen by the said W. B. and other two by the said S. and the said W. B. to be at his choice thereof. And it is agreed betweene the said parties by these presents, that if the said W. do make choice to take the money that shall be agreed upon, in lieu and recompence of so many of the said cones as shall be wanting after that rate aforesaid: That then the said S. I. and T. their executors or assignes, shall have day for the payment of the same money so agreed upon, untill the feast of &c. any thing before in these presents mentioned or contained to the contrary in any wise notwithstanding. And it is further agreed betweene the said parties to these presents, that the said [illegible] and T. their executors or assignes shall at the end of the said terme leave all the traps or falles now being, or which hereafter shall be made, set, or planted, in, and upon the said demised premisses, and every part thereof, well and sufficiently made and planted. In witnes, &c.

A Lease of fish and pondes.

Sect. 441. THis Indenture triparty indented, &c. between M. W. on the one party, and T. E. on the second party, and H. W. on the third party, Witneseth, that the said M. W. hath demised, &c. to the said T. E. and H. W. all those his three pooles, pondes, and dams in P. in the County of N. whereof the one is called &c. dam, the other is called &c. and the third is called &c. and are parcell of &c. all which said pooles and dams the said M. W. hath of the lease and demise of our Soveraigne Lady, under her graces seale of &c. To have and to hold the said 3 pooles, ponds, and dams to the said T. E. his heirs and assignes, from the feast of &c. next &c. with free entry, egresse, and regresse, to and from the said pooles, throughout the pastures and closes of the said H. W. at all times reasonable hereafter from time to time during the said terme. In consideration of which lease and demise so made to the same T. E. and H. W. in manner and forme aforesaid, the said T. E. and H. W. severally covenant, &c. that the said M. during the said terme, if he the said M. doe so long live, shall have the third part of the said fish that shall come, fall, rise, & grow within the said three pooles, at every such time as the said T. E. and H. W. or any of them shall happen to let out the same three pooles, or any of them. In witnes, &c.

A Lease for yeeres of Lands and Milles.

Sect. 442. REgina omnibus, &c. Sciatis quod nos de advisamento Cancellar' & unius general' supervisor' ac atturnat' Curiæ nostr' augmentation' & revenc'

revenc' Coronæ noſtræ,in abſentia T. M. Militis alterius general' ſupervi-ſor ejuſdem curiæ pro fine xij.li.legalis, &c. ad manus Theſaur' cur' prædict' ad uſam noſtrum præ manibus ſolut', Tradidimus, conceſſ.& ad firmam dimiſimus dilecto nobis A.D. omnes illas C. acr' terr' &c. jacen' & exiſten'communibus campis de C. in com̃ noſtro E. &c.ac etiam omnia & ſingula vagan' & extrah.noſtr̃ annua proven̄ien' & exiſten' infra maner̃ de C. prædict' : Necnon paſſagium aquæ noſtræ de D. juxt' caſtrum de C.prædict' cum omnibus & ſingulis ſuis pertin' modo vel nuper in ſeperal' tenur' ſive occupationibus, &c. Nec non omnia illa duo molend' noſtra aquatica, ac unum molendinum noſtrum fullonicum cum pertin' ſituat'& exiſten'infra dominium de C. prædict'. Ac omnia domos,ædificia, gardin',aquas,aquar̃ curſus,gurgites,piſcar̃, piſcationes,proficua,commoditates,& hæreditament'noſtr̃ quæcunque cum pertin' dictis molend',ſive eorum alicui quoquo modo ſpectant'& p̄tin'aut cum eiſdem molendin' ante hæc dimiſſ.locat'uſitat'ſeu occupat', exiſten' modo vel nup̄ in tenura ſive occupatione &c. Quæ omnia & ſingula præmiſſa ſunt parcell' poſſeſſion'noſtr̃ Ducatus noſtr̃ Eboř.Excep̄t tamen ſemp̄ nobis hæred'.& ſucceſſor̃ noſtr̃ & omnino reſervat̃ omnibus boſc' & ſubboſc', de,in, & ſuper p̄miſſ.creſcen'& exiſten'. Habend'& tenend' p̄d' terr̃,molendin'ac cetera p̄miſſa cum p̄tinentibus(exceptis p̄excep̄t) p̄f A.D.Militi,execut̃ & aſſign' ſuis,à feſto,&c.poſt dat' p̄ſentium, uſque finem,terminum,& pro termino xxj.annoř extunc proxim̃ ſequen',& plenarie complend'.Reddend'annuatim nobis,hæred',& ſucceſſoř nr̃is,de & pro prædict', terr̃ & cæteris p̄miſ.in ſpecialibus tenur'ſive occupationibus prædict'&c. ut p̄fert̃ exiſten'vj.li.ac de & pro præd'molendin'& cæteris p̄miſ. in tenur̃ dicto &c. ut p̄fert', exiſten'vj.li. legalis monet'Angliæ,ad feſta,&c. vel infra unum menſem poſt utrumque feſtum feſtoř illoř,ad manus Ballivoř,vel Receptorum præmiſſorum pro tempore exiſten',& p̄ æquales portiones ſolvend'durante toto termino prædict'.Et p̄d.A. executoř,adminiſtrat̃,& aſſign'ſui, omnia domos & ædific'præmiſſor'.ac omnes illas neceſſar' reparationes præmiſſor' in omnibus,& p̄ omnia, de tempore in tempus,toties, quoties neceſſar̃ & opportun'fuerit,bene & ſufficient' ſupportabunt, ſuſtinebunt,& manutenebunt,durant'termino præd', ac tenem̃ta præd' illa & præmiſ. ſufficient' reparat'in fine termini p̄d'dimittent.Et ulterius volumus,ac per præſentes concedimus præfat'A. D. execut'& aſſign'ſuis qd'ben' licebit eis de tempore in tempus capere,percip̄er',& habere competent' & ſufficien̄ houſebote, & maeren̄, ac hedgebote,firebote, plowbote, & cartbote, de,in,& ſuper p̄ſtenement',& præmiſ.creſcent̃ ibidem et non alibi,annuatim expend' & occupand' durant' termino p̄dict'. Proviſo ſemper,quod ſi contigerit præd' ſeperales redir',aut eorum alterum aretro fore,&c. quod tunc & deinceps hæc præſens dimiſ. & conceſs.vacua ſit,ac pro nullo habeat̃ :

aliquo in præsentibus in contrarium inde non obstante, & aliquo statuto, &c. In cuius rei, &c.

A Lease for yeeres of Charter lands as Copihold.

Sect. 443. THis Indenture, &c. Betweene I. B. and T. H. Witnesseth, that where the said I. B. is seised to him and to his heires in fee simple, of, and in the manor of W. in the said County of N. and also of certaine messuages, etc. in W. aforesaid. And where also the said I. B. at the speciall suit and desire of divers of his tenants of the said manor, is pleased and contented to demise, &c. the said purchased lands to his said tenants, in the manner and nature of Copihold lands of the said manor, as neere as may bee, to the intent, that they the same tenants may better maintaine their houshold and family: he the same I. B. doth by these presents demise, &c. unto the said T. H. one messuage, and xl. acres of land, &c. To have and to hold the said messuage, &c. to the said T. H. his &c. untill the end of the terme, &c. then next following, &c. Yeelding and paying therefore, &c. And also, yeerely during the said terme, seven boone dayes: That is to say, two plough dayes, three harvest dayes, one hay day, one weeding day, and in like manner and forme as the Copiholders of the same manor, doe, and have used to doe for their boone dayes. And over this also two Hens, yeerely at the feast of &c. And also ten Egs at Easter yeerely during this present Lease, And also suit to the Court of the same manor, yeerely during the said terme, as other ancient customary tenants doe for their coppholdes of the said manor. And the said T. H. for him, his heires and assignes doth covenant, &c. to content and pay unto the said I. B. his Heires, Executors, Administrators, and Assignes, owners and possessors of the said Manor, at all times, and from time to time during this present Lease, at every alienation, devise, and exchange hereafter to be made by the said T. H. his Heires, Executors, Administrators, or Assignes, or any of them, of the said estate, lease, or terme of yeeres, or of any parcell thereof, or of, or in the premisses, letten by this present Indenture, or any parcell of the same. And also at every time and times that the said T. H. his Executors, Administrators, or Assignes, shall dye possessed of the said estate, lease, or terme of yeeres, or of any part or parcell thereof or of, or in the said premisses, or of any part of the same, and all and every other lawfull departing by any other manner of meanes from the possession of the said premisses, or any part thereof, two shillings, &c. for every acre in the name of a fine, and so after that rate for every part and parcell of the same to be alienated, exchanged, or departed lawfully withall by the said T. H. his Heires, Executors,

caſors, Adminiſtrators, or Aſſignes, or any of them, at any time or times hereafter, whereof they or any of them ſhall dye poſſeſſed during the ſaid Leaſe, as is aforeſaid. Provided alwayes, that the ſaid T. H. his Executors and Aſſignes, and every of them, ſhall and may alien the ſame premiſſes, or any parcell thereof, from yeere to yeere only, and not otherwiſe demiſe or alien the ſame premiſſes, or any part or parcell thereof, without any fine or ſumme of money to be payed to the ſaid I. B. his Heires and Aſſignes, for any ſuch demiſe, grant, or leaſe, or alienation, from yeere to yeere only, as is laſt aforeſaid. And that alſo the ſaid T. H. his Executors, Adminiſtrators, and Aſſignes, and every of them, ſhall at all times, and from time to time yeerely during this preſent leaſe, doe ſuch ſuit to the Court of the manor, as is before remembred. And alſo doe and beare the reparations of the ſaid meſuages taken from time to time, having ſuch timber, as is, or ſhall be growing upon the ſaid Premiſſes, towards the ſame. And over that ſhall beare, execute, and pay all and every thing and things for the ſaid Premiſſes, taken by theſe preſent Indentures, ratably, and in ſuch manner and forme, to all intents and purpoſes, as any of the cuſtomary tenants and copyholders of the ſame manor, doe, or ought to doe for their cuſtomary lands and tenements, parcell of the manor aforeſaid, or the like value and quantity. And the ſaid T. for himſelfe &c. covenanteth &c. that the ſaid I. B. &c. ſhall and may incloſe and keepe incloſed, ſo much of the premiſſes letten by theſe preſent Indentures, as at this time is not incloſed, and every parcell thereof, for all the cheepe of the ſaid I. B. his heires and aſſignes, being owner or owners of the ſaid manors, and of all and every the farmes of the ſaid I. B. his heires or aſſignes, or any of them in W. aforeſaid, parcell or belonging, of, or to the ſaid manor, yeerely during this preſent Leaſe, in the open time of the yeere, in as ample and large manner and forme as the ſaid I. B. his heires or aſſignes, ſhould ought, or might to have done, if this Leaſe had never been had ne made. And if it ſhall fortune that the ſaid T. H. his Executors, adminiſtrators, and aſſignes, or any of them at any time or times hereafter during the ſaid preſent Leaſe, willingly and advisedly to interrupt and diſturbe the ſaid I. B. &c. or any of them, or his or their farmors aforeſaid, or any of them quietly to have, uſe, take, and injoy the ſaid grounds to bee incloſed for cheep, in ſuch manner and forme as is before declared: That then hee the ſaid T. H. for every ſuch diſturbance or interruption, as is aforeſaid, ſhall forfeit, and loſe to the ſaid I. B. his Heires or Aſſignes, Lords and owners of the ſaid Manor, ſuch pain and ſummes of money, as beene hereafter expreſſed: that is to ſay, for the firſt interruption or diſturbance as is aforeſaid xij. d. for the ſecond interruption or diſturbance xviij. d. and for the third interruption

ruption if s.and from thenceforth for every diſturbance or interruption twice double the paine and ſumme next before the ſaid interruption.And if it ſhall fortune the ſaid T. Y.his executors etc.at any time or times hereafter during this preſent leaſe, to make default of payment of the ſaid yeerely rent, in forme before remembred, or of the ſaid ſumme of money in the name of a fine or fines, or of the ſaid paines or forfeitures, in manner and forme before declared to be payed, or to breake any covenant or grant before remembred,which on the part of the ſaid T.Y.his executors, adminiſtrators, or aſſignes, are to be performed, payd, or kept: That then it ſhall be lawfull unto the ſaid I. B.his heires and aſſignes,owners and poſſeſſors of the ſaid manor, to enter into all and ſingular the ſaid, ꝛc. As in diſtreſſes, and the ſame to detaine and keepe, untill the ſaid T. ꝛc. the ſaid yeerely rent ſhall well and truly content and pay unto the ſaid I. B. his heires or aſſignes. And the ſaid fines,paines, forfeitures,and ſumme of money before remembred, with the arrerages of the ſame if any ſhall be, and every parcell thereof,and alſo ſhall have made a reaſonable recompence and amends to the ſaid I. B. his heires or aſſignes,of,and for the breach of any covenant or covenants before remembred, and for any damage by him or them ſuſtained by reaſon of the ſame.And alſo as often as the ſaid yeerely rents and farmes,and the ſaid fines,paines, forfeitures,or ſummes of mony ſhall be unpayed, or any of them,or any covenant or covenants aforeſaid ſhall be broken during the ſaid terme of three yeeres.Provided alwayes,that if T.Y.his executors, adminiſtrators,or aſſignes, ſhall doe, or willingly or negligently ſuffer to be done,any waſte in the houſes or buildings of the ſaid meſſuages demiſed by theſe preſents,and the ſelfe ſame waſte ſhall be lawfully preſented at three of the moſt uſuall courts of the ſaid manor to be there holden next after the ſaid waſte done and committed, and reaſonable amerciaments and paines therefore preſented and ſet by the homage of the ſaid manor for the time being,and at the courts of the ſaid manor: And that if the ſaid waſte be not amended and repaired within one quarter of a yeere next inſuing the ſaid ſeverall Courts before remembred, and lawfull warning thereof giuen by the bailife of the ſaid manor for the time being to the ſaid T. Y. his executors or aſſignes, at the ſaid meſſuage: That then it ſhall bee lawfull to the ſaid I. C. his heires and aſſignes, and every of them into the ſaid manor, etc. As in Reentries. In witneſſe,&c.

A Leaſe of a Parſonage for yeeres.

THis Indenture made, &c. Betweene T. R. and R. W. &c. Witneſ- Sect. 444.
ſeth, that the ſaid R. W. &c. hath demiſed, &c. to the ſaid T. R. &c. all that the Church, Rectory, and Parſonage of T. aforeſaid, in the ſaid County of Y. and the manſion or dwelling houſe of the ſame, with all other houſes, edifices, and buildings, orchards, gardens, glebe lands, and other meadowes, paſtures, commons, woods, coale & coale-mines, rents, reverſions, ſervices, tithes, fruits, profits, oblations, obventions, commodities, emoluments, penſions, annuities, franchiſes, caſualties, wards, marriages, reliefes, eſcheates, heriots, woods, underwoods, courts, perquiſites of Courts, and advantages, with the appurtenances to the ſaid Church, Rectory, or Parſonage belonging, or therewith heretofore uſed, letted, or occupied, and accepted, and taken as part, parcell, or member thereof, or of any part thereof: And the Advowſon of the Vicarage of T. aforeſaid, in the occupation of &c. Except onely and reſerved unto the ſaid R. and his aſſignes, one chamber opening into the Churchyard of T. aforeſaid, and &c. with free ingreſſe, egreſſe, and regreſſe, to and from the ſame. To have and to hold all the ſaid Church, Rectory, or Parſonage, Manſion houſe, Cottages, Glebe lands and Tithes, and other the demiſed Premiſſes with the Appurtenances (except before excepted) unto the ſaid R. his Executors, Adminiſtrators, or Aſſignes, from the feaſt of &c. unto the full end and terme of three yeeres thence next inſuing fully to be compleat and ended (if the ſaid R. ſo long do live) and ſo from three yeeres to three yeeres, continually during the terme of xxj. yeeres next inſuing, &c. of, &c. if the ſaid R. ſo long do live. Yeelding and paying, &c. And if it happen the ſaid yeerely rent of &c. And the ſaid R. for himſelfe, &c. that he the ſaid R. his Executors, Adminiſtrators, and Aſſignes, and every of them, at his and their owne proper coſts and charges, ſhall and will at all & every time and times hereafter during the ſaid termes, well and ſufficiently repaire, maintaine, uphold, and keepe the Chauncell of the Parish Church of T. aforeſaid, and the ſaid manſion houſe and all other houſes now being ſet or builded upon the demiſed premiſſes, or any part thereof (except before excepted) with all manner of neceſſary reparations, within reaſonable and convenient time after ſuch reparations or amendement of the premiſſes, or of any part thereof ſhall be needfull, and in the end of the ſaid terme ſo ſufficiently repaired and maintained to leave the ſame. And the ſaid T. R. covenanteth, &c. that he the ſaid T. his heires, executors, adminiſtrators, and aſſignes, and every of them,

at

at his and their onely proper costs and charges, shall and will finde and give unto the said R. W. and his assignes, sufficient grasse and pasture for one Gelding, Nag, or Mare, in his such parts of the demeane lands of the Mano^r of T. aforesaid, as horses or geldings shall go and pasture in, from the first day of May, unto the Feast of Saint Martine the Bishop in Winter, yeerely every yeere during all the said termes. And to give and deliver unto the said R. yeerely during the said termes, at the mansion house of the said Parsonage, two sufficient waine loads of good Hay, and three racks of good coales, commonly called Sea coale or Stone coale. And that he the said T. his Executors, Administrators, and Assignes, at his and their proper costs and charges, shall and will make, beare, and pay all manner of First fruits, Tenthes, Subsidies, Fifteenes, Synodes, Procies, Benevolences, and all manner of other charges, duties payments, fines, summes of money, ordinary and extraordinary, as well for serving of the cure of the said Parish, as otherwise, which now be due, or at any time hereafter during the said termes shall be due or going out of the said Church, Rectory, or Parsonage, or payable for, or by reason of the same to any person or persons during the said termes, except quarter Sermons, visitations, and serving of the Cure of the said Parish. And the said R. for &c. to and with the said T. his Executors, Administrators, and Assignes, and every of them, paying the rents, and performing the conditions and covenants in these presents expressed, on their parts to bee payed and performed during all the said termes, (if the said R. so long do live) shall and may peaceably and quietly have hold, occupy, and injoy all the said Church, Rectory, and Parsonage, Mansion house, Cottage, Glebe lands, Tithes, and all other the demised Tenements and Premisses with the appurtenances (except before excepted) according to the true meaning of these presents, without any lawfull let, suit, trouble, eviction or expulsion of the said R. his Executors or Administrators, or any other person or persons lawfully having any estate or interest, of, and in the said demised Tenements and Premisses, or any part thereof, by the gift or grant of the said R. other then the said T. and W. W. and their assignes, of such parcels of the said Premisses, as are unto them, or either of them granted before the making hereof. And the said R. for himselfe, his Executors, and Administrators, and every of them, doth covenant and grant, etc. to and with the said T. etc. that he the said R. will not at any time during the said termes, resigne, yeeld up, or exchange the said benefice or Rectorie, or take any other benefice with cure of soule, or bee absent or nonresident from the said benefice, contrary to the forme of the Statute in that behalfe provided, or doe, procure, cause, or suffer to bee done

done any other act or acts, by meanes whereof he shall or may lawfully be dismissed, discharged or deprived, of, and from the said benefice, or whereby the profits thereof shall or may be lawfully sequestred, or which may or might in any wise be prejudiciall or hurtfull to the said T. R. his executors or assignes, in the having and injoying of the Parsonage and Premisses, or any part therof during the said terme, contrary to the true meaning hereof. And the said T. etc. that all the said glebe lands belonging to the said Rectory shall be occupied during all the said termes so distinctly and orderly, that the same and every part thereof, shall and may sufficiently be knowen to be the glebe lands of the said Rectories, and not to be confusedly plowed or mingled with other lands, to the disinheriting of the sayd R. W. and his successors Parsons there. And the said R. covenanteth and granteth by these presents, that he the said R. at all times convenient, during the said termes shall and will diligently teach and informe, in writing, reading, and the Latine tongue, all and every such child and children of the said T. as during the termes shall for that purpose repaire unto him the said R. in the parish Church of T. aforesaid, or in some other place for that purpose meet and convenient. And that he the said R. W. or his sufficient deputy or deputies, shall well and duely serve the cure of the said Church, and minister all the Sacraments and Sacramentals to the Parishioners of the same, at all times during the said terme as often as need shall require. Which said yeerely rent of x. li. etc. the said T. R. covenanteth and granteth by these presents, to, and with the said R. truly to content and pay yeerely unto the said R. W. at etc. at the feasts and dayes of payment aforesaid, or within the space of xx. dayes, next and immediately ensuing the same feasts and dayes of payment, for, and by all such time as the said R. W. shall continue and be Parson of the said Church of T. etc. And the said T. R. covenanteth etc. that he the same T. his executors and assignes, at their proper costs and charges during the terme, shall find an able and sufficient Priest to serve and keepe the cure of T. being a member or Chappell of the said Parsonage to find and say Divine service daily, and there to minister divine Sacraments and Sacramentals to the Parishioners there inhabiting during the terme aforesaid. And also it is agreed betweene the said parties etc. that the same T. R. nor his executors ne assignes, shall not sell, give, ne grant during the said terme, any part of the woods belonging to the said Parsonage, ne cut downe any part thereof, but onely for the necessary housebote, hedgebote, plowbote, & firebote, to be spent onely in, upon and about the premisses. In witnesse whereof, &c.

A Proviso for a Lease of a Parsonage.

Sect.445. Provided nevertheleſſe, and it is agreed, concluded, and granted betweene the ſaid parties and the ſaid I. H. for him, his executors, adminiſtrators and aſſignes, and every of them doe covenant, promiſe, and grant, to and with the ſaid R. S. his executors and aſſignes by theſe preſents, that it ſhall be lawfull, to, and for the ſaid R. at any time during the ſaid terme, to reſigne the ſaid Rectory or Parſonage of B. and other the premiſſes, at his free will, liberty and pleaſure, without breach of any covenant in theſe preſent Indentures contained: any covenant, grant, article, promiſe, clauſe, or ſentence in the ſame mentioned to the contrary thereof in any wiſe notwithſtanding. In witneſſe, &c.

A Covenant that the Leaſſor may enter and fallow.

Sect.446. Provided alſo, and nevertheleſſe it is covenanted, granted, concluded, and fully agreed, by and betweene the ſaid parties to theſe preſents. And the ſaid R. I. for himſelfe, his executors and aſſignes, and every of them doth covenant, grant, promiſe and agree, to, and with the ſaid W. W. his heires and aſſignes, and every of them by theſe preſents, that it ſhall and may be lawfull, to and for the ſaid W. W. his heires and aſſignes, and every or any of them, at all and every time and times convenient, within the laſt yeere of the ſaid terme of xxi. yeeers, to enter into and have ſo much of the demiſed tenements and premiſſes with the appurtenances, as in the ſame yeare ſhall be meet to be fallowed, and to eare, plow and fallow the ſame, and every or any part thereof, according to the uſage and cuſtome of the Country there in that behalfe, without any let, interruption, or diſturbance of the ſaid R. I. his executors and aſſignes, or of any other perſon or perſons by his or their, or any of their meanes, aſſent or procurement.

A Leaſe for yeeres by the Patron or Parſon, confirmed by the Biſhop, Deane, and Chapter.

Sect.447. THis Indenture made &c. Betweene T. E. of T. in the County of P. Eſquire, Patron of one eſtate of inheritance of the Rectory or Parſonage and pariſh Church in B. in the County of A. And W. S. Clerke, Parſon of the ſame Rectory or Parſonage and pariſh Church aforeſaid of the one party, and T. B. and R. B. of the other party, Witneſſeth, that the ſaid Patron and Parſon for &c. have demiſed, granted, &c. to the ſaid T. B. and R. B. &c. the Rectory or Parſonage and pariſh Church of B. aforeſaid, and all the glebe lands. ut ſupra in the Leaſe of a Parſonage. To have and to hold the ſaid Rectory &c. to the ſaid T. B. and R.

B.

B. their executors &c. Yeelding and paying therefore yeerely to the ſaid Parſon and his ſucceſſors &c. And if it fortune the ſaid W. S. Clerke or any of his ſucceſſors Parſons there, to be diſpoſed hereafter to keepe hoſpitality, in and upon the manſion houſe of the ſaid parſonage: Then the ſaid T. and R. B. for them, their executors and aſſignes doe covenant and grant, to, and with the ſaid W. S. Clerke, his ſucceſſors and aſſignes by theſe preſents, that upon two moneths warning thereof to be given to the ſaid T. B. and R. B. their executors and aſſignes, it ſhall be lawfull to the ſaid Parſon and his ſucceſſors, to have and occupy the Hall and Buttery, and the Kitchin, with other houſes of office expedient and neceſſary for his and their hoſpitality, and ſtable roome for two geldings, parcell of the premiſſes, with free entry, ingreſſe and regreſſe, into and from the ſame, during and by all the time of his and their hoſpitality keeping there onely and no longer: any thing herein expreſſed to the contrary notwithſtanding. In witneſſe, &c.

The Biſhops confirmation of the laſt Leaſe.

Et nos R. permiſſione divina C. & L. Eps dioceſ. & Ordinarius Eccleſiæ parochialis de B. præd', ac Rectoriæ ejuſdem nræ C. & I. Dioceſ. viſis & diligent' inſpect' omnibus & ſingulis actis, factis, geſtis, conceſſis, conventionibus, & confirmationibus, articulis, cæteriſque præmiſſ. ſupra ſpecificat', habitaque primitus per nos in hac pte matura & diligenti examinatione, qui cõperimus eadem omnia & ſingula ex juſtis & rationalibus cauſis fuiſſe & eſſe fact' patrat' & conceſſa ſupra nominatis T. B. & R. B. generoſ. ac aſſign' ſuis ad termin' ſupra ſcriptum. Eadem omnia & ſingula, prout melius aut efficacius poterimus ſive valemus, authoritate noſtr' Ordinar' & Pontifical', ad omne noſtr' offic' q̃ exinde ſequi poterit, aut quoquomodo licet ſeu debeat, pro nobis & ſucceſſor' noſtris quantum in nobis eſt, ſcienter & expreſſe ratificamus, approbamus & confirmamus per præſentes. In quorum omnium et ſingulorum fidem et teſtimonium, ac in majorem eorundem corroborationem, ſigil' noſtrum præſentibus appoſuimus. Dat' apud E. xxv. die menſis M. An.' Do. 1592. Et regni illuſtriſſimæ in Chriſto principis, et dominæ noſtræ Dominæ Elizab. Dei gratia &c. Reg. fidei defenſor', ac in ẽra Eccleſiæ Anglicanæ & Hiberniæ ſupremi capitis 24. Ac noſtriæ tranſ. primo.

The Deanes and Chapters confirmation thereof.

Et nos H. W. Decanus Eccleſ. Cathed' Lich. et Capitul' ejuſdem viſis et diligenter examinat' et inſpect' literis indentat' præſentibus jam annex. una cum confirmatione domini Epiſcop̃ C. et Lich. ſuper eiſdem habitaque

taqne super eisdem deliberatione provida atque matura. Quia in hac pte considerand' invenimus concession' & ad firmam dimissionem Rector in dictis literis specific' rite atq; provide fore fact', idcirco ea omnia & singula in eisdem contenta (quantum ad nos attinet) acceptamus, approbamus, & ratificamus, eademq; tenore præsentium authoritate nostra Capitulari &c. xxiij die mensis O. Anno Dom. 1592. *vt proximo supra.*

A Lease of lands by Executors.

Sect. 448. THis Indenture made etc. Betweene P. P. & T. W. of the etc. and H. P. and R. H. of etc. executors of the last will and testament of R. B. Knight deceased late Lord chiefe Justice of the common place of the other party, Witnesseth, that where the sum of 300. pound of etc. being parcell of the late goods and cattels of the said R. B. Knight deceased is for better surety and advancement of certaine of the children of the said R. & for certaine causes and considerations hereafter expressed, delivered to the hands of the said T. W. by order taken in the high Court of Chancery, by the right Ho. Sir N. B. Kn. L. Keeper of the great Seale of England and by the assent of the said executors, upon the hearing of the matter in controversie betweene A. H. and Dame D. B. his wife, late the wife of R. B. of the one party, and the said executors on the other party. And where also the said P. P. by his deed indented, bearing date etc. hath demised, granted, and to farme letten unto one G. T. all that the manor of R. with the members and appurtenances, set, lying and being in etc. and all his messuages, houses, buildings, lands, tenements, rents, reversions, services, and hereditaments whatsoever with the appurtenances, scituate, lying & being within the parish of S. or elswhere in the County of H. to have, hold, occupy and enjoy, all the said manors etc. to the said G. T. from the day of the date etc. untill the end and terme of xx. yeeres, then next and immediately. Yeelding and paying therefore yeerely etc. Expressing the sum, limiting the place and time of payment. By force whereof the sayd G. T. in the said etc. before demised hath entred, and is thereof possessed accordingly. Now the said P. P. and T. W. in performance of the said order and consideration of the said sum of etc. to him the said T. W. payed by the said executors before th'insealing hereof as is aforesaid, which said sum etc. as well the said P. P. as the said T. W. acknowledged to be received of the said executors and thereof and of every part and parcell thereof doe acquite, discharge, and release the sayd executors and every of them, their etc. and assignes by these presents, have given, granted, bargained, and sold, and by these presents for them and their heires, do cleerly give, grant, and sell to the said H. P. and R. H. and to their heires and assignes, all the reversion, remainder, right, title,

uſe, and intereſt of the ſaid Manor of S. and other the premiſſes. And of all lands, tenements, meadowes, paſtures, woods, underwoods, rents, reverſions, ſervices, advowſons, and hereditaments whatſoever of the ſaid M. P. within the ſaid Parish of S. and all the eſtate, title, uſe, and intereſt of them the ſaid M. and T. and each of them, of, and in all and ſingular the ſaid Manors, lands, rents, and all other the premiſſes with the appurtenances: and all the evidences, deeds, writings, and muniments concerning the premiſſes, or any part or parcell thereof, To have and to hold all the ſaid, &c. (*vt ſupra*) and all their evidences, deeds, writings, and muniments concerning the ſame, to the ſaid H. M. and R. H. and to their heires and aſſignes for evermore, to the proper uſe and behoof of the ſame H. and R. their heires and aſſignes for ever. In witneſſe, &c.

A Leaſe for yeares, whereupon an Ejectione firmæ *may be brought, which muſt be delivered upon the lands leaſed, and commence at ſome day before the date thereof, which ſome think to be without the compaſſe of the Statute of buying of Titles.*

THis Indenture &c. Betweene G. S. on the one party, and P. T. of the other party, Witneſſeth, that the ſaid G. S. hath demiſed, &c. and by theſe preſents doth demiſe &c. unto the ſaid P. T. &c. To have and to hold &c. unto the ſaid T. P. his executors &c. from the feaſt of &c. laſt before the date hereof untill the full end and terme of &c. fully to be compleat and ended. And it is the true intent and meaning of theſe preſent Indentures, and of all the ſaid parties to the ſame, that neither the ſaid T. P. or his executors &c. ſhall take any benefit or profit of the ſaid tenement and premiſſes, or any part thereof to his own uſe, by reaſon or vertus of this preſent grant or demiſe, but only that he ſhall therein have an eſtate, as is aforeſaid, and be there uſed as leſſee, or means to the only intent that the eſtate, right, title, poſſeſſion, and intereſt of the ſaid G. S. of, in, and to the ſaid tenements and premiſſes may be lawfully tried and recovered with convenient expedition by writ or writs of Ejectione firmæ, or otherwiſe, at the onely coſts and charges of the ſaid G. S. his heires, executors, and aſſignes. And therefore it is by theſe preſents covenanted &c. by and betweene the ſaid parties, and either of them, for himſelfe, his heires &c. doth covenant grant, and agree, to and with the other, his heires, executors, adminiſtrators, and aſſignes, and every of them by theſe preſents, in manner and form following: that is to ſay, that if, and when it ſhall happen the ſaid P. T. his &c. to recover and obtaine the poſſeſſion of the ſaid demiſed tenements, and premiſſes, or of any part thereof, by reaſon or pretence of this preſent demiſe, in any Sect. 449.

action or ſuit thereupon to be commenced in the name of the ſame P. T. his executors, adminiſtrators or aſſignes, or any of them, that within xx. dayes after that the ſaid P. T. or any of his executors, adminiſtrators, or aſſignes, ſhalbe lawfully and actually poſſeſſed of the ſaid tenements, and premiſſes, or of any part thereof, by force and vertue of any ſuch recovery, or of any writ of Habere facias poſſeſſ. or other ſuch execution to be ſued out upon ſuch recovery, this preſent grant and demiſe ſhall ceaſe and be utterly fruſtrate, void, and of none effect, to all intents and purpoſes. Provided alſo alwayes, and upon further condition following, viz. That if the above named G. his heires &c. do at any time hereafter pay or tender or cauſe to be paid or tendered unto the ſaid P. his etc. xii. pence of &c. or in etc. for the ſaid tenements and demiſed premiſſes, that then alſo, and thenceforth, and at all and every time and times it ſhall and may be lawfull, to and for the ſaid G. S. his heires, etc. and every or any of them into all the ſaid demiſed tenements and premiſſes, with the appurtenances, and every part thereof, to reenter, and the ſame to have again and repoſſeſſe, as in his former eſtate and right, and the ſaid T. P. his executors &c. and every of them thereout utterly to expell and amove, as if this preſent grant or demiſe had never beene had ne made: any thing therein contained to the contrary thereof in any wiſe notwithſtanding. In witneſſe, &c.

Covenants and Conditions which may be uſed in Leaſes.

Sect. 442. And it is agreed, &c. that if it ſhall happen the ſaid houſes and buildings to the ſaid ſcite of the ſaid manor belonging, or any of them at any time hereafter during the ſaid terme of, &c. to be waſted, deſtroyed, or otherwiſe decayed by the Kings forein enemies, that then for all ſuch reparations and decayes of the ſame, the ſaid R. L. to bee cleerely acquited, &c. any covenant herein above rehearſed to the contrary, &c. And the ſaid R. covenanteth, that he the ſaid R. ſhall inhabit, abide, and dwell, in and upon the aforeſaid manors, lands, tenements, &c. or cauſe an able perſon to inhabit and dwell, in, and upon the ſaid demiſed manor, tenements, and premiſſes, and to occupy and manure the ſame during the ſaid terme of xxi. yeares, &c. And alſo that neither the ſaid R. L. nor &c. ſhall at any time during the ſaid terme, doe, make, or cauſe to be made any waſt, or ſpoile, in, or upon the premiſſes, or any part thereof. And alſo that they the ſaid R. L. &c. and every of them, and their executors, &c. ſhall permit and ſuffer the ſaid A. &c. his heires and aſſignes, to keep all and every their Courts of the ſaid manor, at and in ſuch places of the ſaid manor, as they have heretofore uſed to have

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been, kept, and to, and for all and every the ſuters of the ſaid Manor, and every other perſon and perſons that ſhall have cauſe or occaſion to come or reſort unto the ſaid Courts, and every or any of them freely to come or goe, to, and from the ſame, without any let, diſturbance, veration, or interruption of the ſaid R. L. etc. his executors etc. and every or any of them, during, etc. And the ſaid A. etc. doth covenant, etc. that hee the ſaid R. L. etc. ſhall and may lawfully at all times hereafter, when, and as often as need ſhall require, during the continuance of this preſent Leaſe, cleanſe and rid any part or parcell of the ſaid demiſed tenements and premiſſes, of, and from all manner of brambles, briers, buſhes, and thornes, and other ſhrubs, for the amending and bettering of the ſame tenements and demiſed premiſſes, or any part thereof. And that he the ſaid R. L. his etc. ſhall at all times hereafter during the continuance of, etc. preſerve and keepe harmeleſſe from damage or hart of cattell, or other negligent ſpoile, all the woods and underwoods, growing in or upon etc. or any part or parcell thereof etc. And that no manner of cattell at any time or times of the yeare, ſaving onely between the firſt day of November, and the firſt day of April, etc. And that none other cattel or beaſts, but calves and horſes onely ſhalbe put or ſuffered to be in the ſame woods and underwoods, or any of them, etc. Provided alwayes, and upon condition following, viz. That if the ſaid A. his Executors, etc. within one whole yeare before the end and expiration of any of the ſaid ſeverall termes of three yeares, ſhall give, or cauſe to bee given to the ſaid R. his Executors, Adminiſtrators, or aſſignes, or any of them, ſufficient notice or warning to depart from the ſaid, etc. at the end of the ſaid terme of three yeares, wherein the ſaid notice or warning ſhall happen to be given. And alſo, at, or before the end and expiration of the ſaid three yeares, wherein the ſaid notice or warning ſhall ſo fortune to be given, ſhall well and truely, pay, or cauſe to be contented and payed unto the ſaid R. his Executors, Adminiſtrators, or aſſignes, for every yeare of the ſaid terme of xxi. yeares, which at the time of his or their departure from the Premiſſes, ſhall be to come and unexpired, xx. ſhillings of good and lawfull money of England at, or in, etc. that then this preſent Indenture of demiſe, and all Grants and Covenants therein contained, made on the part of the ſaid A. to ceaſe and bee utterly fruſtrate, void, and of none effect. And that then and thenceforth it ſhall and may be lawfull, to and for the ſaid G. T. his Executors and adminiſtrators, and every of them, into all and ſingular the ſaid, etc. to receive, and the ſame to have againe and repoſſeed, as in his, etc. And that he the ſaid R. his Executors nor adminiſtrators, nor any of them, ſhall not nor will not at any time during the ſaid terme, aſſigne, let, ſet, or grant

the said messuage, &c. or any part thereof, or the occupation thereof, or of any part thereof to any person or persons that shall inhabite, dwell, lodge, or lie therein, without the consent and licence of the said A. his heires and assignes, first had and obtained in writing under his or their hands and seales. And that he the said R. his executors, or administrators, before the feast of S. Mich. the Archangell next ensuing the date hereof shall and will remove and put away all such undertenants as now bee, and dwell in any part of the said demised tenements and premisses. Provided alwayes, and upon condition following: that is to say, that if the said R. his executors and administrators, and every of them, doe not well and truly, during the said terme, pay or cause to be payd unto the said A. his heires, deputies, or assignes, the said yearely rent of xxviiii. shillings and foure pence, at the feast and times abovesaid, and well and truly observe, fulfill, and keepe all the covenants in these presents contained, according unto the true meaning hereof: That then it shall and may be lawfull, to and for the said A. his heires and assignes, and every of them into the said demised tenement and premisses, &c. to reenter &c. Hee the said A. doth covenant, &c. upon reasonable request at all times needful, to assigne and deliver, or cause to bee assigned and delivered to the said R. his executors and assignes, within foureteene miles of the said mansion house of the said manor of Y. sufficient timber trees for the repairing of the said messuage and tenement. And that the said R. shall have and enioy from time to time at all times hereafter, during the said terme, to him and his executors, administrators and assignes, in and upon the Downes, Commons, Waستes, Heathes, and Sheep-pastures, belonging to the Manor of E. in the said County, sufficient gate, running, pasture, course, and feeding of an hundred sheepe without any let or interruption of the said A. his heires, executors, and assignes, farmers and occupiers of the said manor and premisses, or of any other person or persons, by his or their consent, meanes, or procurement, with free liberty, ingresse, egresse, and regresse into, in, and from the same grounds, with all the said sheep, at all and every time and times convenient: For which pasture to be had in form aforesaid, the said R. covenanteth &c. by these presents, to content and pay unto the said A. his executors, &c. yearely at the feast of S. Mich. during the said terme for the pasture of every sheepe to be so pastured as aforesaid, foure pence, &c. And that if the said R. his heires, &c. and every of them, shall not quietly and peaceably, have, hold, occupy, and enioy the said tenements, and premisses with the appurtenances, during the said terme of one and twenty yeares, according to the true meaning of these presents: That then within forty dayes after the said A. his executors or assignes, shall bee lawfully elected,

ted, evicted, or expulsed from the said demised tenements and premisses, or any part thereof, he the said I. P. his heires, executors, administrators, or assignes, or some of them, shall and will well and truly pay and allow, or cause to be payed and allowed unto the said R. his executors, administrators, or assignes, or some of them for every whole yeere of the said terme of one and twenty yeeres which shall be to expire or expend at the time of such electment, eviction or expulsion out of the premisses, or any part thereof twenty shillings of lawfull English money, in the said mansion house of the premisses, and so much money as he may then have for so many of the yeeres of the said terme as at the same time of such eviction shall be unspent, as the same shall be deemed to be worth by two indifferent men, which shall be chosen by him the said R. and A. his executors, administrators or assignes, having respect unto such profit, as the said R. might have had of the said lease. And the said G. P. doth covenant &c. that neither he the said G. P. his executors, administrators, nor assignes, nor any of them, shall not, nor will at any time during the said terme of one and twenty yeeres, plow, cause, nor suffer to be plowed the said close called T. or any part thereof, without the consent of the said I. B. his heires or assignes first had and obtained in writing. And that he the said G. P. his executors, administrators, and assignes, and every of them, shall and will during the said terme, keepe, uphold, and maintaine all houses, hedges, and fences, in, and about the said tenements and premisses, and in the end of the same terme to leave the same tenantable at the sight of two reasonable men, to be chosen by the said parties indifferently to view and order the same. And that the said R. his executors, administrators, and assignes, shall, and will yeerely during the said terme, pay, or cause to be payd all such money as shall be due for the winter pasture and intayes due, or used to be payed for the said close with the appurtenances called T. and thereof acquit or save harmeless or discharge the said A. his heires, executors, administrators; and assignes, and every of them. And the said A. etc. doth covenant, etc. that it shall and may from thencefoorth for ever be lawfull, to and for the said R. his executors and assignes of the said premisses at all times hereafter and from time to time, to have, and take the commodities and use of the water, at and in a certaine pond in T. aforesaid commonly called T. pond, as well for the watering of his and their cattel and beasts thither to be brought, driven, or lead, which at any time hereafter shall be kept, remaine, or bee, in or upon the said tenements and premisses, as also to fetch, take, and carry the said water, at and from the pond aforesaid, to be used or occupied in any place upon or about the said demised tenements and premisses by any tenant or tenants thereof, and also to

have convenient way and free passage from the mansion house of the said tenement, to and from the said pond, for the said R. his executors and assignes, to fetch, lead, and drive all and all manner of cattell unto the said pond, and to fetch and carry the said water to be occupied as is aforesaid, without any lawfull let, &c. And further the said R.L. for him &c. That if hereafter it shall happen the said A. his heires, or assignes, or any of them to inclose any parcell of the premisses before by these presents demised to the said R. L. or any other lands or grounds in W. aforesaid, in or upon which grounds the tenants of W. aforesaid, heretofore hath customably used to have common of pasture, that then the said R. L. his executors or assignes shall not by vertue of these presents from thenceforth pretend or claime any title to the said ground so to be inclosed, as is aforesaid. But shall permit and suffer the said A. his heires or assignes the same to inclose, and being inclosed, the same to occupy, to his or their owne use without let or interruption of the said R.L. his executors, &c. during his said terme: So that the said grounds by the said A. hereafter to be inclosed, shall not exceed the quantity and number of C. acres, and so that the said A. his heires or assignes before such inclosure doe assigne, appoint, allow and assure unto the said R. L. his executors, administrators, and assignes and every of them, for and in recompence of such grounds so to be inclosed, as much and as good other lands and grounds within the parish and fields of W. aforesaid, whereunto and from the which the said R.L. his executors, administrators, and assignes, shall & may have as free and good comming and going as he now hath to and from such of the premisses before by these presents to him demised, as so shall bee hereafter inclosed, the same other lands to be assured to the said R.L. his executors, administrators and assignes in like manner and forme, and under like condition and covenants as hee or they should have had or enioyed the lands or grounds so to be inclosed, if no such inclosure were hereafter had or made, any article, &c. And moreover the said A. for himselfe &c. that if in case the said A. decease before the expiration of the said terme of, &c. or if the said A. at any time hereafter alien, give, or grant over his whole interest and terme which he hath then, or shall have, of and in the premisses by vertue of this present Indenture, that then the executors or assignes of the said A. shall have, occupy or injoy the same yeerely from thenceforth during so many of the said yeeres as shall be to come of the said terme of, etc. and shall yeerely pay and deliver, or cause to be delivered unto the said R.L. or his assignes at &c. xij. gallons of wine sack, good and perfect, or else x. s. of &c. at the feasts of &c. even and above the said yeerely rent of &c.

A Leaſe for a yeere, and ſo from yeere to yeere during the wills of the leſſor and leſſee.

THis Indenture, &c. Witneſſeth, that the ſaid A. B. hath demiſed, &c. to the ſaid C. D. To have and to hold the ſaid meſuage &c. to the ſaid C. D. and his aſſignes for the terme of one whole yeere next inſuing the date hereof, and ſo from yeere to yeere at the will and pleaſure of the ſaid A. B. and C. D. Yeelding to the ſaid A. B. his heires and aſſignes yeerely every yeere, that the ſaid C. D. or his aſſignes ſhall have and occupy the ſaid meſuage and premiſſes by vertue of this preſent demiſe, x. s. of &c. at the feaſt, &c. Sect. 451.

Here may be added a clauſe of diſtreſſe *nomine pœnæ*, or reentrie for the rent, and ſuch covenants as are in other leaſes, according to the quality of the eſtate.

A Leaſe at the will of the Leſſor.

THis Indenture, &c. Witneſſeth; that the ſaid A. B. hath demiſed, &c. one meſuage, &c. To have, and to hold the ſaid meſuage with the appurtenances to the ſaid C. D. from the date hereof, ſo long as it ſhall pleaſe the ſaid A. B. In witneſſe &c. Sect. 452.

It is needfull to have covenants that the leſſee ſhall make reparations, and neither doe nor permit any waſte, becauſe he is not therewith charged by Law, but for voluntary waſt. Littleton ſect. 71. & 73.

Aſſignements.

An Aſſignement of a Leaſe for yeeres.

THis Indenture &c. Betweene C. D. &c. and E. F. &c. Witneſſeth that whereas A. B. by his deed Indented ſufficient in the Law had demiſed, granted, and to ferme letten unto the ſaid C. D. one meſuage, &c. (reciting the lands in the firſt leaſe.) To have and to hold to the ſaid C. D. and his aſſignes, from the feaſt of, &c. untill the end of xij. yeeres then next inſuing, as thereby appeareth, reſerving thereby the yeerely rent of, &c. and with divers covenants and agreements in the ſame Indenture contained: That now the ſaid C. D. for &c. hath given, granted, aſſigned, and ſet over to the ſaid E. F. his executors, adminiſtrators, and aſſignes to the ſaid meſuage, &c. and all his eſtate, right, title, intereſt, terme of yeers, and demands, of, and in the ſame, & every part thereof, together with the ſaid deed Indented, To have and to hold Sect. 453.

the said mesuage, tenements, and premisses, and every part thereof with the appurtenances to the said E. F. etc. during all the residue of the said terme, etc.

It is requisite herein to have Covenants of the assignors part to save harmeleſſe of former rents, grants, and charges, for the delivery of former deeds: That he is owner, in possession, and hath power to gra n, and that the assignee may quietly injoy, &c. And to make further assurance, &c. And on the assignees part to pay the former rents, and performe the former covenants &c. The like grants may be of Rents charge, Common, and other things which lye in grants, *Mutatis mutandis.*

An Assignement of a terme during Minoritie.

Sect. 454. THis Indenture, &c. Betweene W. P. of the one partie, and J. F. of the other party, Witnesseth, that where our said Soveraigne Lady the Q. by her Indenture, under the Seale of her Court of Wards and Liveries, bearing date the x. day of etc. last past, hath demised, granted, and to ferme let, unto the said W. P. one tenement with the appurtenances, in the tenure of J. P. of the yeerely value of etc. by yeere, etc. lying and being in T. in the County aforesaid, parcell of the inheritance of T. H. her P. ward, sonne and next heire of G. H. deceased. To have, &c. the same premisses, to the said W. P. and his assignes during the minority of the said T. H. yeelding and paying therefore yeerely to her Highnesse the summe of etc. as by the same more plainly appeareth amongst other things. And after the xvi. day of etc. last past, the said W. P. obteined and had the licence of the said Master and Counsell of the said Court of Wards and Liveries, to grant, bargaine, and sell his whole interest, right, and title, of, and in the premisses, and every parcell thereof, during the minority of the said heire, unto the said J. F. and his assignes, as by the indorsement of the said lease more at large appeareth. The said W. P. for, and in consideration of a certaine summe of money, to him the said W. P. before hand payed, by the said J. F. whereof, etc. hath bargained, sold, given, granted, assigned and set over, and by these presents doth give, grant, assigne, and set over unto the said J. F. his executors or assignes, all that is right, title, interest, and terme of yeeres, of and in the said premisses with the appurtenances, together with the said Indenture, had or made under the seale of the said Court of Wards and Liveries: To have and to hold the said premisses with the appurtenances, and the said Indenture, to the said J. F. his executors and assignes, during the minority of the said T. H. The said J. F. his executors or assignes paying the yeerely rent of etc. aforesaid, in the said lease reserved, and performing,

forming, fulfilling, and observing, all other covenants and articles, contained and expressed in the same Indentures. And the said W. P. for him, his, &c. covenanteth and granteth, to and with the said J. F. his executors, administrators, and assignes, that he the said J. F. his &c. and every of them, shall quietly have, occupy, and injoy the said parcels of lands, and other the premisses, with the appurtenances before expressed, during the minority of the said heire. And that the same premisses, and every parcell thereof, at the time of the making of this present grant, is and shall continue during the minority of the said heire, discharged, &c. vt sup̄ 67.

An Assignement of a Ward.

THis Indenture, &c. (reciting the former Indenture till the first covenant) the cuſtody of etc. as by the same Deed indented among other covenants and agreements more at large appeareth. Now the said W. G. for divers considerations him moving, hath granted, etc. (ut supra,) unto the said J. D. as well the said cuſtody, (ut supra 369. verbat.) belonging, or appertaining, together with all his right, title, and interest, which he the said W. G. hath by vertue of the agreement from our said Soveraigne Lady the Q. To have and to hold the same unto the said J. D. his executors and assignes, in as large and ample manner and forme, as the said W. G. hath the same by force and vertue of the said grant. And whereas the said W. G. together with one J. D. by their deed obligatory, etc. stand joyntly bound unto our said Soveraigne Lady, etc. with condition thereupon indorsed, &c. that the said G. shall well and truly ut infra the said J. D. doth covenant, etc. that he the said J. D. his heires, &c. shall and will at all and every time and times, and from time to time hereafter well and truly keep, defend and otherwise save harmelesse the said W. G. his etc. of and from the forfeit and forf. of the said obligation, and of, and from arrests, imprisonments, suits, penalties, damages, or other forfeitures and troubles whatsoever, which shall or may hereafter be had, made, done or suffered, in any manner of wise, by our said Soveraigne Lady the Q. by reason of the said bond, or by any other person or persons in her Maiest. right, or by any reason or meanes, of any covenant, condition, article, or other clause contained and specified in the said Indenture made, etc. And finally the said J. D. covenanteth, etc. that the said J. D. his etc. shall and will at all time and times, and from time to time hereafter, well and truly performe, fulfill and accomplish all and singular the covenants, articles, conditions and agreements contained and specified in the said Indenture made betweene our said Soveraigne Lady the Q. and the said W. G. according to the intent and true meaning of the same. In witnesse, &c.

Sect. 455.

An

An Assignement of Statutes.

Sect. 456. THis Indenture, &c. betweene H. F. of the one party and E. D. of the other party, Witnesseth, that whereas E. H. and A. L. by one statute staple of Recognisance provided for recovery of debts taken, recognised and sealed before C. W. Knight chiefe I. of Eng. bearing date, &c. are and stand bound unto the said H. F. in &c. to be payed at a certaine day now past in the said statute or Recognisance specified (as by the same more at large doth and may appeare.) And whereas also one D. H. of &. and the said E. H. are and stand bound unto the said H. F. in the sum of, &c. by statute of the staple or recognisances provided for the recovery of debts taken, recognised and sealed before the said C. W. Kn. chiefe I. of Eng. bearing date the first day of &c. in the peere of &c. as by the said statute or recognisance doth also more at large appear. And whereas the said H. F. is indebted unto the said E. &c. And to the end the said E. F. his executors and administrators, may be the more assured thereof, the said H. F. hath at this time delivered the said two statutes or recogn. unto the said E. and also for him &c. that the said H. F. his &c. and every of them shall and will at all times hereafter, and from time to time at and upon the costs and charges in the Law of the said E. her executors, administrators and assignes, suffer, permitte, maintaine, avow, and to allow all such actions, plaints, acts, things, demises, processe, judgements and executions as the said E. or her executors hath or may have, or her or their learned Counsell in the Law, Attorney or Factor, shall in the name of the said H. F. his Executors or Administrators demise, use, bring, commence, attempt, affirme, or sue upon or by reason of the said Statutes or Recognisances, or either of them, or for, or upon the sums of mony in the same contained, or any part thereof, or for the getting or recovering of the same. So that the said H. F. his executors or administrators, shall not at any time hereafter become nonsuit in any of the said actions, suits, or plaints, or by any meanes willingly discontinue, miscontinue, or withdraw the same, and that he hath not had, nor received the summes of money, nor any part nor parcell thereof, and also that he the said H. F. his executors or administrators neither heretofore hath done, used, committed, made nor assented unto, nor hereafter without the speciall licence in writting of the said E. her executors or administrators shall doe, use, commit, worke, make, and procure, suffer, knowledge or assent unto any release, acquintance, discharge, grant, covenant, act, thing, devise, or practise to extinguish, barre, release, determine, forfeit, suspend or avoid the said statutes or Recognisances, or either of them, or the

the summes of money therein contained, or any part or parcell thereof, or any action or actions, suits, plaints, processe, iudgments, or executions, which may, might, could or ought to have been had, used, or pursued for, upon, or by reason of the Statutes or Recognisances, or either of them, or for, or upon any the summes therein contained, or any part or parcell thereof. And further, that the said E. her executors or administrators shall and may have, use, take, perceive and inioy to her and their use without any accompt to be had or demanded against her or them in that behalf, all and singular such benefits, profits, commodities and advantages, of, for and upon the said Statutes or Recognisances, and summes therein contained, as the said H. F. his executors and administrators heretofore could or might, and hereafter can, or may, have, take or inioy, of, for and upon the same by any manner of wayes or meanes, whatsoever. And furthermore that the said H. F. his executors and administrators, in case the said sums of money, or any of them bee lawfully tendred or payd unto the said H. F. his executors or administrators, shall and will at all times hereafter upon request reasonable to him or to them to be made, deliver, and pay the same over to the said E. his executors or administrators, to her or their owne proper use. And also that the said H. F. his executors and administrators, in case any goods, cattels, lands, tenements or hereditameents shall be prised or extended upon, or by vertue of the said Statutes or Recognisances, or either of them, shall and will at all times then, after, at, and upon the reasonable request, costs and charges in the law of the said E. her executors or administrators, make all such assurances and conveyances in the law, of, and upon all the right, estate, terme, title, interest, property, and demand of the said H. F. his executors and administrators, of, in, or to the same goods, cattels, lands, and tenements, as by the said E. her executors or administrators or her or their counsell learned, shall be devised, advised, or required. And moreover that the said H. F. his executors and administrators shall and will at all times hereafter upon the request of the said E. her executors or administrators, and not otherwise, make, seale, and deliver such discharge or release and acquitance, of, and for the said Statutes and Recognisances, or either of them, or any part of the summes therein contained as the said E. her executors or administrators, or her, or their counsell learned shall devise or require. And furthermore that the said E. her executors or administrators shall and may at all times hereafter without suit, action, or trouble of the said H. F. his executors or administrators, keep and retaine the said Statutes and Recognisances in her or their hands or possession, and shew the same further at or in any Court or Courts, there to maintaine action, or procure execution, as the

case

case shall require, or otherwise at her or their pleasure: And because the said E. may have lawfull authority to seeke the benefits of the said statutes or recognisances, according to the true meaning, purport, and effect of these presents above declared, the said H. F. hath nominated, instituted, and appointed, and by these presents doth nominate, institute, and appoint, (As in letters of Atturney.)

Confirmations.

Sect. 457. IT now appeareth partly how every severall estate may bee created, wherefore it seemeth very meet, if such estates shall happen to bee defeasible, to shew how the same may be made good, which may bee done by confirmation or release of him which hath a better or longer estate in the thing granted then the tenant thereof hath: For *Confirmare*, by Littletons minde, Sect. 522. is nothing else but only *firmum facere*, namely to make strong and sure such an estate, as before the same confirmation, was for some cause voidable, and yet not meerely void. Deeds of Confirmation beene made thus.

Confirmation in fee.

NOverint universi per præsentes me A. B. ratificasse, approbasse, & confirmasse C. D. in plena & pacifica possessione & seisin' sua existen', totum statum, possessionem, & interesse, quæ habeo de & in uno messuagio cum pertinentiis in L. &c. **To have and to hold the said messuage, etc. to the said C. D. his heires and assignes for ever: Or the heires of his body, or otherwise, as his estate is which you would confirme, with such warranty and covenants as be in other conveyances, at the pleasure of the parties.**

Also in Confirmations it is not amisse in the premisses of the deed, spetially to recite the estate of the tenant which must be confirmed, and also the estate of him that shall confirme, and to expresse the consideration thereof, if any such be.

A Confirmation of the office of a Keeper of a Parke, Warren, Bailife, and Steward.

HEnricus Dei gratia Rex Angliæ &c. Omnibus &c. Sciatis q'd cum dilectus consanguineus nostr' I. V. Comes Oxon' ac Margaret' consors ejus Comitissa Oxon', seisiti de maner. de M. & B. sibi & hæred' suis masculis de corpor' suo exeunt', reversion' inde nobis & hæred' nostr' spect' per lras suas dat' &c. Dederunt & concesser', & p easdem literas confirmaverunt dilectis servient' suis I. P. & I. D. armigeris officium parcarii

parci

parci ſui de M. una cum officio ballivi manerior̃ de M. & B. cum cuſtod̃ Warren̄ ſuar. ibidem, ac eoſdom I.P. & I.D. parcarios parci prædict' ballivos p̃d' manerior̃ de M. & B. ac Seneſchall' ibidem, necnon cuſtod̃ Warrenn' ſuarum præd̃ per ſcriptum ſuum præd' fecerit, ordinaverit, & conſtituerit. Habend̃, tenend̃ & exequend̃ dicta officia parcar̃, Ballivi, Seneſch. ſeu cuſtod' dictarum Warrenn' ſuar̃ præd' I. P. & I. D. durante vita ipſor̃ I. & I. ac utriuſq; eor̃ diutius viventis. Percipiend̃ annuatim in & per occupationem & executionē officiorum præd̃, & eorū cujuſlibet tanta & talia feoda, vadia & regard', proficua & emolumenṫ quanta præd̃ I.P. pro eiſdem officiis & eorū quolibet aliquo tempore præante habuit & percepit. Reddend̃ & faciend̃ annuatim verū & fidele compotum coram auditor̃ dicti Comit̃ & Comitiſ. pro tempore exiſtenṫ, in & pro occupatione officii ballivi præſcripṫ. Cum etiam præd̃ Comes & Comitiſ. per eaſdem lras ſuas dederunt & conceſſerunt præf. I.D. officium cuſtod. manerii ſui de M. præd. Habend̃, percipiend̃, occupand̃, & exercend̃ idem officium, per ſe aut ſuum ſufficientē deputat̃, durante vita ejuſdem I. D. cū omnibus & ſingulis, vadiis, regardis, proficuis, & emolumenṫ eiſdem officio ab antiquo debit̃ & conſuet̃, prout in eiſdem literis plenius continetur. Poſt cujus donum & conceſſionem præd' I.P. obiit, & præd' I.D. eum ſupervixit, & tenet, occupat, & poſſidet officium præd̃ virtute conceſſionis præd̃ per jus accreſcend̃. Sciatis nos de gratia &c. ac pro bono ſervitio nobis per præd̃ I.D. impenſo & impoſterum impendend̃, ratificaſſe, approbaſſe, & confirmaſſe præf. I.D. offic. præd' pro term̃ vitæ ejuſdē I. cum annual' feodo dēcē libr̃, ac ceteris regard', proficuis, & emolument præd̃. Ac etiam dedimus & conceſſimus, & per præſentes damus & concedimus præf. I.D. q̃ ſi contingat præd' Comitem & Comitiſ. ſine hæred' maſculo de corpore ſuo legitime procreat̃ obire, q̃ tūc præd' I.D. habebit, tenebit, & poſſidebit præd̃ offic. & eorū quodlibet, cū præd' vadiis x. libr̃ annuatim capiend̃ una cum cæteris vadiis, regard̃, proficuis & emolumentis eiſdem offic' & eorum cuilibet ſpectant̃ ſive p̃tin'. Habend̃, tenend̃ & exercend' præd' offic' & eorum quodlibet per ſe, vel per ſufficient̃ deputat̃ ſuū, ſive deputatos ſuos, durante vita ipſius I.D. In cujus rei, &c. Teſte &c.

A Confirmation of an Annuity, with a Grant of another in allowance of Dower.

OMnibus Chriſti, &c. R. A. de E. filius & hæres R. A. defunct' &c. Sect. 458.
Sciatis quod cum idem R. A. pater meus, per ſcriptum ſuum geren' dat̃ &c. dediſſet, conceſſ. & confirmaſſet cuidam A.R. quandam annuitat̃ ſive annual' redit̃ xx. libr̃ exeunt̃ de, & in toto ill' campo ſuo vocat̃ C. jacen' in villa de B. in com̃ præd̃. Habend̃, percipiend̃, & levand̃ annuatim

tim, durant toto term vitæ ejusdē A. ad festa, &c. cū clausula districtionꝭ pro non solutione ejusdē reditꝰ, prout in eodē scripto inter alia plenius apparet. Et cum postea idē R. A. pater meus duxit in uxorem A. R. predꝰ, & durantꝰ sponsalꝰ intꝰ eos, idē R. A. pater obiit, & prædꝰ A. ipsum supervixit, etiam supstes in plenꝰ vita existit, ac prædꝰ annuali reditꝰ gaudeat & habere debeat. Noveritis ergo me præf. R. A. filiū, tam ratificasse, approbasse & hoc præsenti scriptꝰ meo confirmasse eidem Ag. A. viduæ totum statū, titulum, & interesse ejusdē de & in predꝰ annualꝰ reditꝰ xx. libꝝ quā dedisse, concessisse, & hoc præsenti scripto meo confirmasse eidē A. quandam aliam annuitatē sive annualē reditꝰ xxx. libraꝝ, exeuntꝰ tam de & ex prædꝰ campo vocatꝰ C. quā de et in omnibus aliis terris tenemtis meis cū pertinꝰ in B. prædꝰ: Habendꝰ, gaudendꝰ & ꝓcipiendꝰ, tam dictꝰ annualꝰ reditꝰ xx li. quā predꝰ annuitatꝰ sive annualꝰ reditꝰ xxx. li. per annꝰ pref. R. A. & assignꝰ suis durante toto termꝰ vitæ naturalꝰ ejusdꝰ R. A. ad festa &c. ꝑ equales porcꝰ solvendꝰ in plenam & integram allocationē & satisfactꝰ totius dotis & junctuꝝ ejusdꝰ Ag. de & in omnibus & singulis terris & tenementis, & hæreditamentis, tam liberis quam customariis, quæ fuerꝰ prædꝰ R. A. patris mei. Et si contingat prædꝰ annualꝰ reditꝰ &c. (As in distresses for rents and nomine penæ.) in cujus rei, &c.

A Confirmation by the Ordinary and Patron of the Parsons lease.

Sect. 459

TO all true Christian people to whom this present writing shall come to be seen, heard, or read, M. J. by the Grace of God Bishop of L. and Ordinary of the Rectory & Parsonage of S. in the County of etc. and R. very inheritor, owner, and Parson of the said Rectory and Parsonage of S. send greeting etc. Know you us the said B. & P. with one assent and consent, at the speciall and instant desire as well of one E. as one J. Clerk, Parson of S. aforesaid, to have seene, read, examined, and perfectly understood one Indenture of a lease, bearing date etc. made by the said J. unto the said E. and to his Assignes, of the Rectory and Parsonage of S. aforesaid. And of all manner of tithe corne, hay, meadows, glebe lands, leasures, pastures, tithe hemp, flax, oblations, obventions, and all other tithes, profits, and commodities, whatsoever they bee, to the said Rectory and Parsonage belonging and appertaining in S. L. and B. aforesaid, or elsewhere within the said County, etc. To have and to hold the said Rectory and Parsonage, tithes, and all other the premisses with the appurtenances to the said E. and his Assignes, from the feast of etc. untill the end and terme of etc. Yeelding and paying therefore yearely unto the said J. and to his successors and assignes, etc. at the feast

feaſt &c. during all the ſaid terme &c. Which ſaid Indenture of leaſe of the ſaid Rectory and Parſonage, and all other the premiſſes with, &c. to the ſame Rectory and Parſonage belonging or pertaining, and all and every thing and things, covenants, grants, and agreements therein contained and ſpecified, we the ſaid I. B. and the ſaid Patron for his and our heires and ſucceſſors by theſe preſents doe confirme, ratifie, allow, and eſtabliſh: To have and to hold the ſaid Parſonage, glebe lands, tithes, oblations, obventions, and all other the premiſſes, mentioned and contained in the ſaid Indenture of leaſe to the ſaid T. his executors and aſſignes, from the feaſt of &c. unto the end and terme of &c. Yeelding and paying unto the ſaid I. and to his ſucceſſors and to their aſſignes the ſaid yearely rent of &c. at the dayes and feaſts in the ſaid Indenture ſpecified and contained, and all other payments and covenants in the ſaid leaſe mentioned. In witneſſe, &c.

Surrenders.

What a Surrender is.

AN Inſtrument of Surrender is an Inſtrument teſtifying with apt words, that the Particular Tenant of lands or tenements for life or yeares, doth ſufficiently conſent and agree, that he which hath the next and immediate remainder or reverſion thereof, ſhall alſo have the particular eſtate of the ſame in poſſeſſion, and that hee yeeldeth or giveth the ſame up unto him. For every Surrender ought forthwith to give a poſſeſſion of the thing ſurrendred, of which be divers ſorts, as followeth. Sect. 460.

A Surrender of an eſtate for life.

THis Indenture made, &c. Betweene G. S. of the one party, and B. D. daughter of R. D. of the other party, Witneſſeth, that whereas the ſaid B. D. is and ſtandeth ſeiſed for terme of her life, by vertue of good conveyance and aſſurance in the law of and in the ſeverall meſuages, lands, tenements, and hereditaments with the appurtenances, ſituate, lying and being in S. in the County of E. hereafter ſpecified and mentioned: that is to ſay, of and in &c. the meditate remainder thereof belonging to the ſaid G. S. and the heires males of his body lawfully begotten, with ſundry other remainders over, and the remainder laſtly to the right heires of the ſaid G. S. for ever. Now the ſaid B. D. for and in conſideration of &c. and for ſundry other good conſiderations her moving, hath Sect. 461.

hath ſurrendred, granted and confirmed, and by theſe preſents doth ſurrender, grant, and confirme to the ſaid G. D. all and ſingular the &c. before mentioned, together with all deeds, evidences and writings whatſoever, which the ſaid B. or any other to her uſe, or by her delivery or appointment, or the ſaid R. D. have or hath concerning in any wiſe the premiſſes, or any part thereof. To have and to hold &c. And alſo the ſaid R. D. doth covenant &c. for him &c. as in covenants to diſcharge of incumbrances, *ſupra* 67. with all other neceſſary covenants and conditions.

A Surrender to one in remainder.

Sect. 462. OMnibus &c. Cum I.K. pater meus p̄ charr̄ ſuã feoffamenti dedeř & conceſſeř mihi præf. unum meſuag' cum ſuis p̄tiñ in villa de B. præd, ſicuatũ inter teneñt̄ R.W. ex p̄te Auſtrali, et ſtratũ Regium verſus Boream. Habendˀ & tenendˀ mihi pro termñ vitæ meæ, Ita quod poſt deceſſũ meũ, præd meſuagiũ cum ſuis p̄tiñ H.R. fratri meo, hæredibus & aſſignˀ ſuis imperpetuũ remaneret. Noveritis me præd T. conceſſiſſe & ſurſum reddidiſſe præf. H. fratri meo, totum jus meum et ſtatum quæ habeo pro termiñ vitæ meæ in præd meſuagio cum ſuis pertiñ: Habendˀ et tenendˀ eidem H. hæreď et aſſignˀ ſuis imperpetuum de capitalibus, &c.

A Surrender to one in reverſion.

Sect. 463. OMnibus, &c. Cum quidã I.R. de N. Mercer, per charr̄ ſuam feoffamẽt, gereñ dat̄ &c. dederit mihi præf. K.R. totum illud tenement̄ &c. Habendˀ & tenendˀ dict. teneñt̄ cũ ſuis pertiñ mihi præf. C.R. pro termñ vit̄ meæ, Ita qd poſt deceſſum mei ipſius K. præd teneñt̄ &c. præf. I.R. et hæreď ſuis reverterit, prout per dict. charr̄ patet manifeſtius. Noveritis me præf. K.R. conceſſiſſe, & ſurſũ reddidiſſe ac per præſentes concedere & ſurſum reddere præf. I.R. teneñt̄ præd &, ac totum jus meum & ſtatum quæ habeo pro termñ vit̄ meæ de & in eoď teneñt̄ &c. Habendˀ & tenendˀ præd teneñt̄ &c. præf. I.R. hæreď et aſſignˀ ſuis, ad ſolum opus ipſius I.R. et hæreď ſuoř imperpetuũ, de capitalibus dominis feodi illius, p̄ ſervitia inde debit̄ et de jure conſuet̄ p̄ p̄tæſentes. In cujus rei, &c.

A Surrender upon condition by tenant for life, to the end a recovery may be ſued againſt him in reverſion, and the eſtate for life preſerved.

Sect. 464. THis Indenture, &c. in the xvb, yeare &c. Betweene I. F. and I. his wife, late wife of R. L. deceaſed of the one party, and C. D. of

on the other party, Witneſſeth, That where the ſayd I. F. and I. his wife, and in the right of the ſayd I. his wife doth hold for terme of the life of the ſaid I. his wife, divers and ſundry lands, tenements, and hereditaments in W. F. H. and T. within the Countie of N. and being the late inheritance of the ſayd R. D. the immediate remainder or reverſion of all and ſingular the ſayd landes and premiſſes expectant to the ſayd C. D. and to his heires, or to the heires of his body lawfully begotten for ever. Now the ſayd I. F. and I. his wife, as well for the conſideration in this Indenture mentioned, as alſo for the perfecting of an eſtate or conveyance to be had and made in conſideration of a Marriage hereafter by Gods grace to bee ſolemnized, betweene C. M. and I. D. daughter to the ſayd C. D. have granted and ſurrendred, and by theſe preſents do grant and ſurrender unto the ſayd C. N. and his heirs, upon condition hereafter in this Indenture mentioned, all and ſingular the ſayd lands, tenements, hereditaments, and premiſſes before in this Indenture mentioned, and every part and parcell thereof, and all ſuch other lands, tenements, and hereditaments, as the ſayd I. F. and I. his wife, as in the right of the ſayd I. have, or of right ought to have therein, for the term of the life of the ſayd I. being the late inheritance of the ſayd R. Lord D. her late husband, and all the eſtate, right, title, and intereſt which they the ſaid I. F. and I. his wife, as in the right of the ſayd D. I. have or of right ought to have, in, or to the premiſſes, or any part or parcell thereof. To have and to hold the ſaid lands, tenements, and premiſſes, and the ſtate, right, title, and intereſt of the ſaid I. F. and the ſayd I. his wife, in, and to the ſayd lands, tenements, and premiſſes, unto the ſayd C. D. and his heires. Upon condition, that if the ſayd C. D. doe not well and truely content and pay or cauſe to bee well and truly contented and paied unto the ſayd I. F. and I. his wife, or their aſſignes, the ſumme of 1000. li. of &c. (As in clauſes of payment) That then and from thenceforth this preſent grant and ſurrender to be utterly voyd and of none effect. And that from and after ſuch default of payment of the ſaid ſumme of 1000 li. at the time and place aforeſaid, it ſhall bee lawfull, to, and for the ſayd I. F. and I. his wife, and their aſſignes, to enter into all the ſayd premiſſes, and the ſame to have againe, repoſſeſſe and enioy, as in their former eſtate. And the ſayd C. D. doth covenant and grant, for him, his heires, executors and adminiſtrators, and every of them, to and with the ſaid I. F. and I. his wife, that he ſhall permit and ſuffer the ſayd I. F. and I. and their aſſignes, to take the rents, iſſues, and profits of the ſayd lands and premiſſes to their own uſe, without any account thereof making, until the feaſt of S. Martin &c. which ſhall be &c. 1594. if the ſayd I. the wife doe ſo long live, In witneſſe, &c.

A Surrender of Leases for yeares.

Sect. 465. TO all Christian people to whom this present writing shall come. R. A. and J. R. send greeting in our Lord God everlasting. Whereas by Deed indented, bearing date &c. made betweene T. W. deceased, and Y. then his wife of the one partie, and the said R. A. on the other partie, the said W. did demise, grant, & to ferme let to the said R. A. their manor of Y. R. with their appurtenances lying and being in Y. in the said County of &c. To have and to hold the said manor, and other the premisses, to the said R. A. his executors &c. from the feast of Saint Michael &c. then next insuing, untill the end and terme of 1000. yeares then next &c. fully to be compleat and ended, as by the said Deed indented, it doth plainly appeare. And where also by Deed indented, bearing date &c. made betweene the said T. W. and T. S. and the said R. A. &c. the said W. and T. S. did demise, grant, and to ferme let unto the said R. A. all those their woods, underwoods, lands &c. To have and to hold the said woods & underwoods &c. unto the said R. his executors and assignes, from the feast of &c. next ensuing the date of the last recited Deed indented, untill the end and terme of one and twenty yeares then next insuing. Except and alwayes reserved unto the said T. W. and to their heires, all manner of timber trees, and trees like to prove timber trees of what yeers or growth soever they were then growing, in or upon the premisses, as by the same deed indented last recited it doth and may appeare &c. The estate and interest of the which said R. A. in the said lands, tenements, meadowes, pastures, and feedings, granted by the said recited deeds indented, the said J. R. now hath. Know ye now, that the said R. A. and J. R. for divers considerations them moving, have given, granted, and surrendred, and by these presents doe give, grant and surrender unto T. W. and T. S. all their right, estate, interest, and terme, and all the right, estate, and terme of either of them, that they, or either of them had, have, or ought to have, of, in, or to the said manor of Y. R. and other the premisses, demised, granted, or letten to ferme by the first recited Deed indented. Except alwayes and excepted to the said R. A. his executors, administrators and assignes, during the terme of the said last recited deed indented, all the right, title, interest, estate, and terme, that he the said R. A. now hath, may have, or ought to have, in, and to the said woods, underwoods, and other the premisses demised unto the said R. A. by the last recited deed indented, to be had and injoyed to the said R. A. his executors, &c. according to the tenor and forme of the said last recited deed indented. To have and to hold the said manor of Y. R. and other the premisses by

by theſe preſents, granted & ſurrendred, with their appurtenances (except before excepted by theſe preſents) unto the ſaid T. W. and T. S. their heires and aſſignes for ever. And the ſaid R. A. and J. R. for them, and either of them, and the executors and adminiſtrators of every of them do covenant and grant, to, and with the ſaid T. W. and T. S. and the heirs, executors or aſſignes of every of them, that the ſayd manno^r of H. & other the premiſſes by theſe preſents granted and ſurrendred (except before excepted) at the time of the making of theſe preſents, be, and ſhall be for ever hereafter cleerly acquited and diſcharged, or otherwiſe ſaved harmleſſe of &c. As in covenants to ſave harmeleſſe. In witneſſe, &c.

Releaſes.

What a Releaſe is.

A Releaſe is an Inſtrument, whereby eſtates, rights, titles, entries, actions, and other things be ſometimes extinguiſhed, ſometimes transferred, ſometimes abridged, and ſometimes inlarged: of which ſee theſe examples. Sect. 466.

A Releaſe made to the tenant for terme of yeares.

OMnibus &c. Cum R. W. de O. teneat de præfat. I. unum tenementum cum ſuis pertinent' quod idem R. inhabitat, in &c. pro termino annorū &c. Noveritis me præf. I. remiſiſſe, relaxaſſe &c. Ita quod nec ego, nec hær' mei &c. Sed ab omni actione juris, clamei, &c. Datum &c.

A Releaſe to the tenant of the free hold.

OMnibus &c. T. R. filius & hæres C. R. armig' defuncti, ſalutem in domino ſempiternam. Noveritis me præfat' T. remiſiſſe, relaxaſſe, & omnino pro me & hæredibus meis imperpetuum, quietum clamaſſe per præſentes R. D. armig' in ſua plena & pacifica poſſeſſione exiſtent', hæred' & aſſign' ſuis imperpetuum, totum jus meum, titulum, clameum, demand' & intereſſe, quæ unquam habui, habeo, ſeu quoviſmod' in futur' haber' potero vel poterint hæred' mei, de, & in, maner' de R. in Com' K. cum omnibus terr', tenement' &c. Ita viz. quod nec ego prædict. T. nec hæred' mei, nec aliquis alius per nos, pro nobis ſeu nomine noſtro, aliquod jus, titul', clameum, demand' ſeu intereſſe, de aut in prædict. maner' de R. cum omnibus terr', tenementis, &c. neque in aliqua parte ſeu parcella eorundem, de cætero clamare vel vendicare poterimus nec debemus, quoviſmodo in futur', ſed ab omni actione juris, tituli, Sect. 467.

clamei, demandi, & intereſſe, & eiſdem penitus excluſi imperpet' per præſentes. Et ego vero prædict' T. & hæredes mei prædict' maner' de R. cum &c. præfat. R. D. hæred & aſſign' ſuis contra me & hæred' meos, ac contra omnes & ſingulas al' perſon' ſive perſonas legitim' habent' & clam' ſive exigen' ſeu qui impoſter' legitim' habeb. clamabunt ſive exigent, præmiſſ. cum pertin' aut aliquam inde parcell', aut aliquid juris, tituli, ſtatus, intereſſe, ſeu aliquid aliud, de, in, vel ex præmiſſ. cum pertin', aut de, in, vel ex aliqua inde parcell', de, per, vel ſub me præt. T. R. vel aſſign' meis, warrantizabimus & imperpet' defendemus per præſentes. In cujus &c.

A Releaſe of right or intereſt in land.

Sect. 468. OMnibus &c. A. M. vidua relict' T. M. nuper de S. in Com. N. defunct', adminiſtratrix bonor' & catall' quæ fuerunt T. tempore mortis ſuæ, ſalut' in dom'ſempitern'. Sciatis me præfat. A. pro quadam pec'ſumma mihi per H. M. de S. præd filiū meū præ manibus ſoluta, & impoſter ſolvend, Remiſiſſe, &c. *ut ſupra*. Ita qd nec ego &c. Sciatis inſuper me præf. A. M. remiſiſſe, relaxaſſe, & omnino pro me & hæred & execut meis imperpet quiet clamaſſe per preſent præf. H. M. hæredibus & execut ſuis omnes & omnimod actiones, ſect', querelas, debita, compota, trangreſſ. detentiones & demanda quæcunque, quæ vel quas verſus ipſum H. unquam habui, habeo, ſeu quoviſmodo in futurum habere potero virtute adminiſtrat prædict', ſeu aliter quocunque modo, ab origine mundi, uſque in diem confectionis præſentium. In cujus &c.

A Releaſe to the vendee.

Sect. 469. OMnibus &c. I. L. de &c. Cum C. F. de N. habuerit & perquiſiverit de me præf. I. unum tenementum in N. in parochia beatæ Mariæ virgin' in alto vic. ſeu platea. Habend & tenend eid' C. hær' & aſſign' ſuis imperpet, prout per chart' feoffamenti per me eid' C. inde confect' cujus dat, &c. plenius apparet. Noveritis me prædict. I. remiſiſſe, relaxaſſe, & omnino pro me & hær' meis imperpet quiet clamaſſe præf. C. hær' & aſſign. ſuis, totum jus meum, clameum, &c. Ita viz. In cujus &c.

A Releaſe by Mortgagee.

Sect. 470. OMnibus &c. Noveritis me præfat' &c. per præſentes remiſiſſe, relaxaſſe, &c. R. W. de O. hær', & aſſign' ſuis imperpet, totum jus &c. in uno tenemento in O. cum ſuis pertin' quæ nuper habui ex dono & feoffamento prædict. R. in O. per modum morgagii pro xx. li. & quas mihi jam ſolvit & ſatisfecit, quod quidem tenemenrum cum ſuis pertin'

pertin' idem R. W. in ſua plena poſſeſſion jam habet, Ita viz, quod nec ego &c. In cujus rei &c.

A Releaſe of all actions.

NOverint &c. remiſiſſe, relaxaſſe, et omnino pro me et hær' meis imperpet' quiet' clam. I.H. de B. &c, omnes et omnimod' actiones tam reales quam perſonales ſect' querel' debit' exec' tranſgr' et demand' quas vel quæ unquam habui, habeo, ſeu in futur' quoviſmodo habere potero verſus prædict' I. H. ratione aut cauſa quacunque ab origine mundi uſque in diem confectionis præſentium, In cujus &c. Sect. 471.

A Releaſe of a Quare impedit.

TO all faithfull people to whom theſe preſents ſhall come to be heard, read, or ſeen, I. S. of D. in the county of C. ſendeth greeting in our Lord God everlaſting. Whereas ſuit and controverſie hath heretofore been moved and depending betweene I. I. on the one party, and the reverend father in God W. Biſhop of C. on the other party, for, and concerning the collation of one R. C. clerke, in and to the Church of T. in the ſaid county of C. for and concerning the which preſentation, one Quare impedit was brought by the aforenamed I. S. againſt the ſaid reverend father W. Biſhop of C. and whereas by the mediation of the right honorable Sir H. S. order hath been taken, in and concerning the premiſſes, and all matters and things concerning the ſame. Now know ye, that the ſaid I. S. in accompliſhment, and according to the ſaid order hath remiſed, releaſed and for ever quite claimed, and by theſe preſents doth fully, freely and abſolutely, remiſe, releaſe, and for ever quite claime to the ſaid reverend father in God, W. Biſhop of C. and to R. C. and to either of them, their executors and adminiſtrators, as well the ſaid action of Quare impedit, and all and al manner of diſturbances, cauſes matters and things concerning the church, or advowſon of T. aforeſaid, as all other actions, ſuits, quarrels, debts, treſpaſſes, controverſies, and demands whatſoever, had, made, moved, ſtirred, or depending, betweene the ſaid parties, or any of them, at any time or times, before the date of theſe preſents, of all which actions, quarrels, ſuits, controverſies, and demands aforeſaid, the ſaid I. S. for himſelfe, and heires, covenanteth and granteth to and with the ſaid W. Biſhop, and R. C. their executors &c. and at all times hereafter, well and ſufficiently to acquite, or diſcharge, or ſave harmeleſſe the ſame Biſhop, and R. C. the executors and adminiſtrators of them, and either of them by theſe preſents, In witneſſe &c. Sect. 472.

A Releaſe of a Communication of matrimony.

Sect. 473. THis Bill made the tenth day of &c. in the &c. Whereas a Communication of mariage hath heretofore been moved, and had between S. T. on the one party, and I. C. of the other party, and that the ſame taketh none effect, for that the ſaid S. T. cannot obtaine and get the good will of their friends and kinsfolkes, at whoſe hands ſuch portion of mony as to her of right appertaineth, is to be received. Witneſſeth, that I the ſaid I. C. doe hereby teſtifie and proteſt unto the world, as well for mine own diſcharge as his, that no diſhoneſt nor unlawfull act, hath at any time been committed betweene us, nor any contract of matrimony had or made at all betwixt us, but that every of us may lawfully at our wils and pleaſure marry elſewhere by God and mans lawes. In witneſſe &c.

A Releaſe of an appeale.

Sect. 474. THis Indenture &c. Betweene H. H. of &c. and R. E. of &c. Witneſſeth, that where R. E. ſtandeth indicted and appealed, of and for the death and killing R. H. and thereupon divers ſuits and proceſs are depending and have been awarded againſt the ſaid R. E. Now the ſaid H. doth remit, remiſe, and clearely and abſolutely for him and his heires, releaſe to the ſaid R. E. all appeales, ſuits, and demands, and other actions whatſoever: and further the ſaid H. H. doth covenant &c. that where the ſaid H. H. hath commenced an appeale againſt the ſaid R. E. and others, of and for the death of the ſaid R. H. his brother deceaſed: That neither he the ſaid H. H. nor W. H. and R. H. nor any of them, nor any other for them, or in their names, nor by their meanes, advice, knowledge, aſſent, or procurement of any of them, ſhall from henceforth proſecute or follow the ſaid Appeale, or any proces thereupon depending againſt the ſaid R. And for the better determining of the ſaid appeale againſt the ſaid R. E. he the ſaid H. H. doth covenant to make one retrarit, of, and upon the ſaid appeale at any time when he ſhall be thereto required by the ſaid R. E. or by any for him or in his name. And moreover the ſaid H. H. W. H. and R. H. do covenant &c. that neither the ſaid H. H. W. H. and R. H. or any of them, nor any their friends, kinsfolkes or allies, nor any other perſon or perſons for them or any of them, or by the means, conſent, advice, knowledge or procurement of them or any of them, ſhall doe, ſuffer, or cauſe to be done or ſuffered any act or acts, or thing whatſoever, for the further ſuing, troubling, vexing, or indangering of the ſaid R. E. of or for the death or killing of the ſaid R. H. nor ſhall give or procure to be given any evidence, or other proof againſt the ſaid R. E. for the death or killing of the ſaid R. H. In conſideration of which ſaid agreement,

conclusion,

concluſion, and of all and ſingular other the premiſſes to be well and truly obſerved and kept on the part and behalfe of the ſaid H. H. W. H. and R. H. and every of them, their friends and kinſfolkes, as the ſaid R. E. doth covenant for him, his heires and adminiſtrators with the ſaid H. H. &c. to pay or cauſe to be paied to the ſaid H. H. &c. expreſſing the ſum and place of payment. In witneſſe &c.

A Releaſe betweene joynt Leſſees.

VNto all Chriſtian people to whom this preſent writting ſhall come, I. D. R. B. and H. E. &c. ſendeth greeting: Whereas the collegiate Church of the bleſſed Virgin of Southwell in the County of N. by their Indenture of leaſe bearing date &c. did amongſt other things, demiſe, grant, and to farme let unto H. C. deceaſed, all that their manor or lordſhip of R. in the county of Y. with the ſite and circuit of the ſame manor, and all and ſingular their other lands, tenements, &c. in the ſaid county of Y. being part, parcell, or member of the ſaid collegiate church of S. or reputed, taken or knowne to be any part, parcell or member of the ſame, or of the ſaid manor or lordſhip, or any of them, or any part or parcel thereof, with all and ſingular their appurtenances, unto the ſaid H. C. his executors and aſſignes, for the terme and ſpace of &c. as by the ſaid Indenture of leaſe more at large it appeareth. By force whereof the ſaid H. C. was lawfully poſſeſſed of the ſaid Manor of L. and premiſſes accordingly, And ſo being thereof poſſeſſed made his laſt will and Teſtament in writting, and thereof did conſtitute and make G. C. of &c. and E. C. then wife of the ſaid H. C. his executors, and after dyed. After whoſe death the adminiſtration of all the goods and cattels of the ſaid H. C. was committed to the ſaid G. C. and E. C. according to the Eccleſiaſticall Laws of this Realme, by force whereof the ſaid G. and E. were thereof lawfully poſſeſſed, and the ſame had and enjoyed. And they ſo being thereof poſſeſſed by their Indenture bearing date &c. did give, grant, aſſigne, and ſet over unto the ſaid I. D. R. B. H. E. and I. N. of &c. all their whole eſtate, intereſt, and terme of yeares then to come, of, and in the ſaid manors, lordſhips, lands, tenements and premiſſes with the appurtenances (the cole Mine excepted) together with the ſaid Indenture of leaſe made to the ſaid I. D. R. B. &c. at large appeareth. The intent and true meaning of which ſaid Indenture made by the ſaid G. and E. as is aforeſaid, was meant and intended that the ſaid I. D. R. B. H. E. and I. N. and every of them ſhould have and injoy ſeverally their Farmeholds or Tenements in their ſeverall tenures and occupations, And that the reſidue of the ſaid Manor and Premiſſes ſhould be divided amongſt them. Now therefore know ye us the ſaid I. D. R. B. and H. E. Sect. 475.

for the accompliſhing and fulfilling of the true meaning and intent of the ſaid conveyance made by the ſaid G. and C. as is aforeſaid, to have remiſed and releaſed, and by theſe preſents doe clearely remiſe and releaſe unto the ſaid I. N. his executors and aſſignes all our eſtate, right, title, terme of yeares, and demand which we have or of right ought to have of, in, or to all that one tenement, &c. now in the tenure or occupation of the ſaid I. N. and of, and in all other lands and hereditaments which be aſſigned and appointed and ſet forth to him. And we the ſaid I. D. R. B. and P. C. doe covenant and grant for us, our executors, adminiſtrators, and aſſignes, and for the executors, adminiſtrators, and aſſignes of every of us, to and with the ſaid I. N. his executors, adminiſtrators, and aſſignes, That we the ſaid I. D. R. B. and P. C. our executors, adminiſtrators, and aſſignes ſhall from time to time at all times hereafter when and as often as we or any of us ſhall be thereunto required by the ſaid I. N. his executors, adminiſtrators or aſſignes, during the ſaid terme of yeares, doe execute and make or cauſe &c. all and every ſuch further act and acts, thing or things, and aſſurance as ſhall be reaſonable and neceſſarily deviſed or adviſed by the ſaid I. N. or his executors or aſſignes, or by his or their Counſel learned in the law for the further and better aſſurance, ſurety and ſure making of one eſtate and intereſt, of and in &c. now in the occupation &c. unto the ſaid I. N. his executors and aſſignes, In witneſſe &c.

A Releaſe made by the feoffees to one of them.

Sect. 476. OMnibus &c. Nover' nos præfat' N. & S. per præſentes remiſiſſe, relaxaſſe, & omnino pro nobis & hæred' noſtris imperpetuum quiet' clamaſſe I. S. de O. hæred' & aſſign' ſuis, tot' jus nr' &c. quæ aliquis noſtr' habet, ſeu habere poter', in omnibus illis terris & tenementis quæ nuper habuimus ſimul cum prad' I. in villa & in campis de I. in com' Oxon', ex conceſs. feoffament' domini I. B. Capellani, & N. D. de I. predict', in quorum quidem terris & tenementis idem I. S. jam exiſtit in plena poſſeſ. Ita viz. quod nec nos præfat' &c. In cujus &c.

A Releaſe in performance of an award.

Sect. 477. OMnibus &c. A. B. & C. D. ſalutem. Sciatis quod cum diverſæ lites motæ fuer' inter nos præfat' A. B. & C. D. ex parte una, & quendam T. P. ex parte altera, de & ſuper jus, titulum, intereſſe, & poſſeſſion' omniu & ſingulorum meſuagior' &c. quæ fuer' in tenura & poſſeſſion' E. F. ſuper quæ nos præfat' A. B. & C. D. ad ſpecialem inſtantiam & requiſition' amicorum noſtrorum comprimiſ. & ex unanimi aſſenſu noſtror' ſubmiſ. nos ipſos in arbitrium ordinat' & judicium quorundam E. G. & W. F. armig' tam

tam de et ſuper jure, et titulo dictor meſuag' &c. quam de et ſuper omnibus actionib. perſonalibus, et realib. ante hæc inter nos motis et habitis ſuper præmiſſius ſeu eorũ aliquam parcellã concernent' ſeu tangent'. Sciatis nos præf. A. B. et C. D. in complementis cujuſd' arbitrii, ordinationis ſeu judic' prædict. per præfat' arbitrat' ante datum præſent' ex communi aſſenſu noſtr' fact' et inſcript' indent' nobis tradit prout tenemur, remiſiſſe, relaxaſſe, &c. *ut ſupra.*

A Releaſe of amerciaments.

BE it knowne **unto all men &c. That I G.L. of &c. Farmer of the** Sect. 478.
profits of the court of the manor of R. in &c. have remiſed, relcaſed and quite claimed, and by theſe preſents doe remiſe &c. unto W.S. of R. in &c. all and all manner of fines, forfeitures and amerciaments, afferred upon the ſaid W.S. at any Courts, Leetes, or court Barons of the manor of R. aforeſayd, holden within the ſaid manor at any time or times before the date hereof. In witneſſe &c.

A Releaſe of the peace.

MEmorand' quod tertio die Novemb. Anno regni Dom. noſtr' El. Sect. 479.
decimo tertio &c. venit coram me W.M. apud G. in com̃ præd' uno juſtic' dict' Domin' Reginæ ad pacem conſervand' in Com̃ prædict' J.C. et pacem quam habet verſus I.C. in com̃ præd' penitus remiſit, & relaxavit &c. *ut ſupra.*

A Releaſe from the recoverers in a Writ of Entry.

OMnibus &c. W.M. et I.B. ſalut. in dom̃ ſempiternũ. Cum nos præfat' Sect. 480.
W. & I. nuper recuperavimus coram Juſtic' dom̃ regiñ de communibus placit' apud Weſtm̃. per breve dict' dom̃ regin' de ingreſſu in le poſt verſ. F.F. viduam & I.F. unum meſs. &c. cum pertiñ in C. in com̃ N. prout inter placita irrotulat' coram I.D. milite & ſociis ſuis Juſtic' dict' dom̃ regin' in termiñ ſancti H. Anno regni ejuſdem dom̃ regiñ Rot' Cli. plenius liquet & apparet. Et pro eo quod recuperatio præd' habit' fuit ad ſolum & proprium opus & uſum ipſorum F. & J. F. & hæred' ipſius I. Ideo in conſideratione inde, Sciatis nos præfat' W.M. et I.B. remiſiſſe, relaxaſſe &c. **as in a generall releaſe.** In cujus &c.

A Releaſe of errours.

OMnibus Chriſti fidelibus ad &c. ſalutem. Sciatis me præfat' G.B. Sect. 481.
pro &c. remiſiſſe, relaxaſſe, & omn' pro me et hæred' meis imperpet' quiete clam̃ prefat' F.R. & hær' ſuis totũ ill' annualem redditũ meum 7. s. ac omnes alios red' quoſcunq; exeunt' de terr', tenementis, &

hære-

hæreditamentis in B. &c. Ac inſuper ſciatis me præfat' G. B. remiſiſſe, &c. præfat' F. R. totum jus, titul', ſtatum, intereſſe, & demand' quæ habeo aut clamare poter' aut poterint hæred' mei de, & in præd' terr', tenementis & hæreditamentis in C. &c. Ac etiam omnes action' & brev' de errore & erroribus, & omnes errores quoſcunque quos ego &c. aut hæredes mei habere aut proſequi potui ſeu poſſumus verſus præfat' F. R. aut aſſign' ſuos. In cujus rei &c.

A Releaſe generall.

Sect. 482. NOverint univerſi per præſentes me V. B. Militem remiſiſſe, relaxaſſe, et omnino pro me, hær', executoribus, et aſſign' meis imperpet' quiet' clam' T. H. &c. omnes et omnimod' actiones, tranſgreſſion', ſectas, querelas, debit', debat', executiones, et demand' quæcunque quæ habeo, habui, ſeu quoviſmodo in futur' habere poter', ab origine mundi uſque datum præſentium. In cujus &c.

Acquitances.

An Acquitance for the redemption of Lands morgaged.

Sect. 483. BEit knowne unto all men by theſe preſents, that I I. L. of L. gent. have received and had this preſent day at the font ſtone in the Cathedrall church of S. Paul in L. betweene the houres of one and foure of the clock, at afternoone of the ſame day, of W. G. of S. in the county of C. yeoman rl. li. for the redemption, and in full ſatisfaction of all and ſingular thoſe lands and tenements with the appurtenances, in the pariſh of S. and P. in the ſaid county of C. called M. and P. contained and ſpecified in a paire of Indentures of covenant, bearing date the xvi. day of J. in the xxx. yeare &c. made betweene the ſaid W. G. on the one party, and me the ſaid I. L. on the other party, of, for, and concerning the bargaine and ſale of all and ſingular the ſaid lands and tenements conditionally, as by the ſame Indentures thereof made more at large doth appeare. Of which rl. li. in full payment and contentation, as is abovеſaid, received, I the ſaid I. L. acknowledge my ſelfe well and truely contented, ſatisfied, and payed, and thereof, and of every part and parcell thereof I cleerely acquite and diſcharge the ſaid W. G. his heires and executors by theſe preſents, In witneſſe &c.

An Acquitance of an annuity.

Sect. 484. NOverint &c. me I. C. &c. recepiſſe, &c. de H. R. per manus I. D. firmarii maner' de R. x. li. in parte ſolutionis cujuſd' annuitatis xx. li.

xx. li. mihi ad termin' vitæ meæ, per dict' H. conceſſ. Percipiend' annuat' ad terminos duos, viz. ad feſta N. & M. æquis portionibus, de quibus x. li. fateor me content' & ſolutum, & ipſum H. hared' & executores ſuos inde imperpet' eſſe quiet' per præſentes. In cujus &c.

An Acquitance made upon the receit of an exhibition granted to one of the Innes of the Court by a Duke.

THis Bill made in &c. Witneſſeth, that I C. H. have received of R. H. Receiver generall of the high and mighty Prince T. Duke of N. five markes ſterling, in full contentation and payment of my fee, due to me at the feaſt of S. Michael laſt paſt before the date hereof, for one whole yeare: which yearely fee the ſaid Dukes grace of his gracious goodneſſe and benevolence hath given and granted unto me the ſaid C. towards my yearely exhibition in the Innes of Court. In witneſſe whereof I the ſaid C. H. have written this bill with mine owne &c. (Or otherwiſe) have put to my hand &c. Sect. 485.

An acquitance of a rent by a Bailife 20. die Iunii An. &c.

REceived of T. H. of &c. for his halfe yeares rent due to be payd at the Annunciation &c. laſt paſt, for Campnes land in L. &c. in the county of &c. the day and yeare firſt above written, xx. s. Sect. 486.

An acquitance of the farme of a Benefice.

BE it knowne unto all men by theſe preſents, that I C. T. Parſon of H. in the county of Eſſex, have received and had the day of the making hereof, of I. L. lx. li. ſterling, for the halfe yeares farme of my ſaid Parſonage, to me due at the feaſt of S. Michael the archangell laſt paſt before the date hereof. In witneſſe whereof &c. Sect. 487.

An acquitance of a rent charge.

THis Bill &c. witneſſeth, That I R. E. have received and had on the day of the date hereof, of T. S. of the inner Temple of L. the ſum of 4. li. of lawfull mony &c. due to me the ſaid R. E. as in the right of B. my wife, at the Annunciation of the bleſſed virgin Mary laſt paſt, being the moity of a rent charge of &c. by the yeare, granted to the ſaid R. for terme of life, out of the farme of B. of which ſaid ſum of 4. li. &c. of &c. ſo by me received, I the ſaid R. doe acknowledge my ſelfe and the ſaid B. my wife, fully ſatisfied, contented, and payed, and of the ſaid ſum of 4. li. and of every part thereof, doe acquite, and diſcharge the ſaid T. S. his heires and aſſignes by theſe preſents. In witneſſe &c. Sect. 488.

An

An acquitance of mony received to pay to another.

Sect. 489. THis Bill &c. Witnesseth, that I T. S. of &c. have receiued and had on the day of the making hereof, of T. B. of D. in the county of W. Esquire, by the hands of &c. the summe of &c. to be payed and disburſed by me the said T. S. for the said T. B. in such sort as the same was appointed by the said T. B. to be paid and disburſed, In witnesse &c.

An acquitance of a recompence of Dower.

Sect. 490. THis Bill &c. Witnesseth, that I D. B. &c. have receiued and had on the day of the date hereof of G. H. of &c. the sum of &c. due and paiable to me the said D. B. in the right of my wife, at the feast of S. Mich. &c. after the date hereof, for the halfe yeares rent to her the said I. due and paiable in recompence of her dower, between the said G. and the said I. of which said sum of &c. so by me receiued, I the said D. B. doe acknowledge my selfe fully satisfied and payed, and thereof, and of every part thereof doe cleerely acquite, discharge, and exonerate the said G. H. his heires, executors, and administrators, and every of them by these presents, In witnesse &c.

An acquitance of part of a debt.

Sect. 491. BE it knowne, unto all men &c. that I A. B of R. in the county &c. have receiued and had the day of the making hereof of R. W. of C. in the said county yeoman, 6. li. &c. due to me on the first day of &c. last past, before the date of these presents, in part of payment of a greater sum contained and specified in a certaine writing obligatory, wherein the said R. W. with others stand bound unto me: Of which 6. li. &c. (As above.)

An acquitance for creation money of an Earle.

Sect. 492. NOverint universi per præsentes me G. Comitem S. administ' bonorum et catallor G. nuper Comitis S. patris mei, filii et hæred' masculi' F. nuper comitis S. recepisse et habuisse die confectionis præsentium de T. C. armigeꝝ nuper Vicecom comitat. S. xl. libꝝ bonæ et legalis monetæ Angliæ, de viginti libꝝ annualis I. nuper Comit. S. et hæred' suis masculi', per dom H. nuper Regem Angliæ sextum conces. Habend. et annuatim percipiend de exitꝝ, profic', et revenc' com. S. per manus vic' ejusdem com. pro tempore existen', ad festa Pasch. & S. Mich. per equal' porcion. De quibus quidem xl. li. pro duobus annis finit ad festum sancti Mich. Archang. anno regni Reginæ nunc Eliz. xxxij. fateor me præfat Comitꝝ fore soluꝝ, dictumque nuper Vic' inde acquietaꝝ et exoneraꝝ per præsentes, sigillo meo sigill'. Dat. x. die Febr. anno regni dictæ domin. Elizab. &c.

An

An Acquitance by a Vicar or Parſon to the Peſtor.

NOverint univerſi &c. me A. B. Vicar' Eccleſiæ parochiæ de S. re- Sect. 493.
cepiſſe & accepiſſe' die confectionis præſentiũ compot' finalem &
totalẽ W.P. procurator' vicar. meæ præd', de omnibus recept', exitibus,
ſolutionibus, & liberationibus predꝯ vicar. meæ ſpectantibus, de toto
tempore quo dictus W. fuit procurator meus ibid'. Ita quod compu-
tat' computand' & allocat' allocandꝯ ipſum W. & executores ſuos de
quocunque ulteriori compoto ratione præmiſſoꝝ mihi redden' uſq; in diẽ
dat. præſentium acquieto, libero, & exonero per præſentes. Sigillo meo
ſigillat' &c.

An Acquitance of Tenths and Subſidies paid to the Collector.

PRæſens ſcript' teſtatur, quod ego H. H. decimarum & ſubſidiorum Sect. 494.
Dom. Regis ſuper omnes perſonas eccleſiaſticas, & per totam Dioceſ.
M. percipiend', collector & receptor general', ſufficienti authoritat'
Epiſcopali fulcitus et legitim' conſtitut', recepi de G. W. rector' de Bri-
del pro decimis et ſubſidiis ejuſdem Eccleſiæ ſuæ dicto illuſtriſſimo
noſtr' Regi pro anno domini 1600, &c. ad feſtum Natalis Dom. ultimo
præteritum, debit' 18. li. de quibus quidem pecuniis fateor me ad uſum
dicti dom. Regis ſolut', et ipſum, et Eccleſ. ſuam prædict. penitus liberam
& quietam per præſentes, manu mea ſubſcriptas &c. Anno &c.

An Acquitance made by an obligee.

OMnibus &c. F. S. ſalutem in domin' ſempiternam, Cum W.P. te- Sect. 495.
neatur mihi præfato F. ac cuidam H.L. in decem &c. ſolvendis no-
bis aut uni noſtrum ad diverſos terminos, prout in quadam obligatione
defeſanc' ſuper eand' nobis inde confect' plenius continetur. Noveritis
me præf. I. receppiſſe & habuiſſe die confection' præſentium de præf. Wil'
viginti ſolidos &c. in parte ſolutionis x. prædict. libr. viz. pro termino
Natal' domini proxim' futur', de quibus quidem xx. s. fateor me fore
ſolutum, dictumque W. hær' et execut' inde eſſe quiet' et exonerat' per
præſentes, In cujus &c.

A generall Acquitance with a proviſo.

THis Bill made &c. Witneſſeth, That I H. W. &c. have remiſed and Sect. 496.
releaſed unto R. C. &c. all manner of actions, ſuits, debts, accompts,
recogniſances, and all, and all manner of judgements, executions, and de-
mands, which I the ſame H. W. may, might, or ought to have againſt
the ſayd R. C. his heires or executors, for any matter or cauſe whatſoe-
ver, from the beginning of the world unto the day of the date of theſe
præſents.

presents. Provided that the acquitance extend not to the extinguishment and determination of a certaine deed obligatory bearing date &c. made by one I. C. & the said I. S. wherein the said S. & I. stood bound unto one I. S. B. M. A. B. and me the said H. W. in the sum of &c. In witnesse, &c.

A generall release or acquitance, with a speciall acquitance therein contained.

Sect. 497. THis Bill made &c. Witnesseth, that I R. F. have received the day of the making hereof of T. M. and M. his wife my mother, executrix of the last will and testament of C. F. deceased my father, all such jewels, plate, hangings, houshold stuffe, and all & every other gifts, legacies, requests, thing & things whatsoever they be to me the said R. F. in any wise due by reason of a gift or will of the said C. F. of the which jewels &c. ut supra, I the said R. F. do fully and cleerly by this my present bill acquite and discharge the sayd T. M. and M. their heires &c. And further I the same R. F. by this my present bill doe cleerly remise, release & quite claime for me, my heirs, executors and assignes to the sayd T. M. and M. and every of them all and all manner of actions &c. In witnesse &c.

An acquitance for money due by recognisance.

Sect. 498. THis Bill &c. Witnesseth, That I H. G. have received the day of the date of these presents of R. L. the sum of &c. in the which he the sayd R. standeth bound unto me in a certaine recognisance in the Chancery, as by the same &c. of which said summe of &c. and of every part and parcell thereof, I the said H. do confesse my selfe well and truely contented, payd and satisfied, and thereof and of every part and parcell thereof doe by these presents cleerly acquite and discharge the sayd R. L. his heires, executors and administrators for ever. In witnesse &c.

An acquitance for a Legacy.

Sect. 499. BE it knowne &c. That wee R. C. and A. my wife, daughter &c. have received and had the day of the making hereof, of C. W. and W. P. executors of the testament and last will of T. R. xl. s. of &c. in full payment of xl. s. given and bequeathed by the sayd T. R. in his said Testament, of which sayd summe of xl. s. in full payment and satisfaction of all bequests and legacies to me given in the said testament, we acknowledge our selves fully satisfied, contented, &c. Sealed with &c.

An acquitance of money received in discharge of an Annuity.

Sect. 500. BE it knowne &c. That I A. C. of &c. sole executrix of the last will and testament of L. C. of D. &c. late my husband deceased have received the

the day of the date hereof of I. P. of G. in the county of L. gent. the sum of xl.li. &c. for the full and cleere discharge and determination of one annuity or yearely rent of 8.li. of currant &c. granted by E. W. unto the sayd L. C. my late husband, to be taken and perceived out of the manor of P. in the sayd county of L. as by the deed indented thereof made, bearing date the &c. which sayd annuity or yearely rent of 8.li. is to be determined and extinguished upon payment of the sum of xl.li. by the sayd I. P. his heires, executors or assignes unto the sayd A. C. his &c. as by the said deed indented made betweene the said L. C. of the one party, and the said E. W. of the other party, bearing date the day and yeare aforesayd, more plainly it doth and may appeare. Of which sayd sum of xl.li. &c. In witnesse &c.

An Acquitance with a covenant to save harmeless.

BE it knowne &c. that I I. G. of &c. have received the day of the making hereof of I. P. to the use of P. B. one stone Jugge covered and footed with silver and guilded, and one glasse covered, footed, & also ribbed with silver and guilded, wherefor I the said I. G. doe covenant &c. the said I. P. his executors, administrators, and assignes & every of them by these presents cleerely to acquite, exonerate and discharge, and the sayd I. P. his executors, administrators against the sayd P. B. his heires & assignes by these presents &c. Sealed &c. Sect. 501

An Acquitance made by an Attorney.

VNto all men &c. A. B. sendeth greeting, know yee the said A. D. by vertue and authority of writing or letter of Attorney made to me by R. S. to have had & received the day of the date hereof of C. W. &c. the sum &c. wherein the sayd C. did stand bounden to the sayd R. S. by a bill Obligatory, of which summe &c. to me received, I acknowledge my selfe in the name of the sayd R. truely and fully satisfied and paid, and thereof and of every part and parcell thereof do cleerely acquit and discharge the sayd C. W. his heires, executors, and administrators, and every of them by these presents. In witnesse &c. Sect. 502

Acquitance by Substitute or Deputie.

VNto all &c. R. R. greeting, Where R. S. and so recite the first letter of attorney, And where also the said A. D. by vertue of the sayd letter of attorney did by his writing under his hand and Seale constitute and appoint me the said R. R. his lawfull deputy & substitute, to aske &c. to the use of the sayd R. S. And did give me further authority to deale for him in the premisses, as by the same writing made to me by the sayd A. D. appea- Sect. 503.

appeareth. By vertue and authority whereof now know ye me the said R. R. to have had &c.

Partition.

A Partition of lands descended.

Sect. 504. THis Indenture made the 1. day &c. betweene P. W. Citizen of London, and A. his wife one of the daughters & heires of W. R. late of London Mercer, & one of the sisters and heirs of T. R. which was sonne and heire of the said W. R. when he lived, on the one party, and J. R. widow sister of the said Anne, another of the daughters and heires of the said W. R. and another of the sisters and heires of the said T. R. and S. Citizen and Mercer of London, W. W. Draper and J. B. Draper, which were of late infeoffed by the said J. of the moity of a greater tenement or mesnage &c. and set and lying together in the parish of S. B. to the use of the said J. and her heires on the other party, Witnesseth, that it is covenanted, granted, condescended & agreed betweene the said parties, for a partition betweene them to be had and made of the inheritance of the said tenement & other the premisses in the said Parish, which descended to the said Anne and Joan in coparcenary, by and after the death of the said R. as well daughters and heires of the said R. W. as sisters and heires of the above named T. R. in manner & forme insuing: First it is covenanted & granted betweene the said parties & the said J. & her feoffees granted by these presents, that the said R. and A. in the right of the same Anne, shall have for their part and purparty of the aforesaid lands and tenements &c. three dwelling tenements of the yearely value of 4. li. In one of the which said tenements T. D. Barber now dwelleth & inhabiteth, containing in it self 40. foot of assise of square &c. And in the other tenement of the three dwelleth one P. A. widow, and it containeth &c. And the third tenement is in the possession of A. R. &c. which said three tenements with the yards, kitchens, chambers, &c. in as ample and large manner and forme as the said persons now dwelling have or occupy, or they or any other aforetime have had or occupyed. The said P. and A. as in the right of the same A. shall have and injoy to her and her heires, in full recompence and allowance of, and for her part & purparty, that to her belongeth or ought to belong, of all the said messes, lands, tenements &c. by and after the decease of the foresaid W. and T. and either of them, as one of the daughters and heires &c. And it is agreed betweene the said parties, and the said J. and her feoffees been contented and pleased to accept and take in full

recompence

recompence and allowance of, and for the part of the said I. of all the meases, lands, tenements, hereditaments and other the premisses above rehearsed, to the use of the said I. and of her heirs, one great tenement of the said three tenements containing &c. with the appurtenances, in as ample and large manner as T. C. gentleman now dwelling in the same or any other &c. And it is further fully agreed, covenanted, and granted betweene the said parties by these presents, that at all times convenient it shall be lawfull to either of them to enter into others part to them allotted, to doe reparations, and other behooves necessary upon the meases, lands, & tenements, to them severally allotted, in amending, building, or repairing: or otherwise, of, and upon their owne parts of the said lands, tenements, &c. to them allotted and appointed by these presents. And over that it is agreed, covenanted, and granted betweene the said parties, that all annuall rents, and services due to the Lord or Lords, of the fee &c. shall be equally borne betweene the said A. and I. and their heires and assignes, inhabiters of the same tenement &c. that is to say, either of them for their part and portion afore allotted &c. In witnesse &c.

An Indenture of Partition of lands purchased.

THis Indenture &c, witnesseth, That whereas one T. B. and the said T. B. joyntly purchased to them & their heires for ever, of one T. P. of &c. divers messuages, lands, &c. with the appurtenances situate, lying and being in S. &c. And where afterwards in the life of the said T. B. viz. the xvi. day of M. &c. full and perfect division, separation, and partition of all the said messuages &c. and of all their estate in the same, was had and made by and between the sayd T. B. and T. B. being both then present, at, in, and upon the said messuage &c. with the appurtenances in manner and forme following, that is to say, That the sayd T. B. should have and injoy to him and his heires for ever quietly from the said T. B. & his heires divided in severalty, & not in joynture for his full and whole moitie, part, purparty, and portion of all & singular the said messuages &c. and in allowance and recompence thereof, one house in S. in the tenure &c. with three doles, &c. one other house &c. And that the said T. B. should have and injoy to him and his heires for ever quietly from the said T. B. & his heirs for ever divided in severalty, and not in joynture, for his full & whole moity, part, purparty and portion of all and singular the said messuage &c. and in full allowance, satisfaction, and recompence thereof, one house &c. Nevertheless for as much as some question, variance, and contention hath lately risen between the said parties touching & concerning the quiet occupation of some part of the premisses: for the appeasing whereof, and for the extinguishment and utter avoyding of all ambiguities, doubts, variances, and contentions, which hereafter might chance to arise, and sure confirmation Sect. 507.

appeareth. By vertue and authority whereof now know ye me the said R. R. to have had &c.

Partition.

A Partition of lands descended.

Sect. 504. THis Indenture made the 1. day &c. betweene P. W. Citizen of London, and A. his wife one of the daughters & heires of W. R. late of London Mercer, & one of the sisters and heirs of T. R. which was sonne and heire of the sayd W. R. when he lived, on the one party, and J. R. widow sister of the said Anne, another of the daughters and heires of the sayd W. R. and another of the sisters and heires of the sayd T. R. and S. Citizen and Mercer of London, W. W. Draper and J. B. Draper, which were of late infeoffed by the said J. of the moity of a greater tenement or mesuage &c. and set and lying together in the parish of S. B. to the use of the sayd J. and her heires on the other party, Witnesseth, that it is covenanted, granted, condescended & agreed betweene the said parties, for a partition betweene them to be had and made of the inheritance of the said tenement & other the premisses in the sayd Parish, which descended to the sayd Anne and Joan in coparcenary, by and after the death of the sayd R. as well daughters and heires of the sayd R. W. as sisters and heires of the above named T. R. in manner & forme insuing: First it is covenanted & granted betweene the said parties & the said J. & her feoffees granted by these presents, that the said R. and A. in the right of the same Anne, shall have for their part and purparty of the aforesaid lands and tenements &c. three dwelling tenements of the yearely value of 4. li. In one of the which sayd tenements T. D. Barber now dwelleth & inhabiteth, containing in it self 40. foot of assise of square &c. And in the other tenement of the three dwelleth one P. A. widow, and it containeth &c. And the third tenement is in the possession of A. R. &c. which sayd three tenements with the yards, kitchens, chambers, &c. in as ample and large manner and forme as the sayd persons now dwelling have or occupy, or they or any other aforetime have had or occupyed. The sayd P. and A. as in the right of the same A. shall have and injoy to her and her heires, in full recompence and allowance of, and for her part & purparty, that to her belongeth or ought to belong, of all the sayd messes, lands, tenements &c. by and after the decease of the foresayd W. and T. and either of them, as one of the daughters and heires &c. And it is agreed betweene the sayd parties, and the said J. and her feoffees been contented and pleased to accept and take in full

recompence

recompence and allowance of, and for the part of the said I. of all the meases, lands, tenements, hereditaments and other the premisses above rehearsed, to the use of the said I. and of her heirs, one great tenement of the said three tenements containing &c. with the appurtenances, in as ample and large manner as T. C. gentleman now dwelling in the same or any other &c. And it is further fully agreed, covenanted, and granted betweene the said parties by these presents, that at all times convenient it shall be lawfull to either of them to enter into others part to them allotted, to doe reparations, and other behooves necessary upon the meases, lands, & tenements, to them severally allotted, in amending, building, or repairing: or otherwise, of, and upon their owne parts of the said lands, tenements, &c. to them allotted and appointed by these presents. And over that it is agreed, covenanted, and granted betweene the said parties, that all annuall rents, and services due to the Lord or Lords, of the fee &c. shall be equally borne betweene the said A. and I. and their heires and assignes, inhabiters of the same tenement &c. that is to say, either of them for their part and portion afore allotted &c. In witnesse &c.

An Indenture of Partition of lands purchased.

THis Indenture &c. witnesseth, That whereas one T. B. and the said T. B. joyntly purchased to them & their heires for ever, of one T. P. of &c. divers messuages, lands, &c. with the appurtenances situate, lying and being in S. &c. And where afterwards in the life of the said T. B. viz. the xvi. day of M. &c. full and perfect division, separation, and partition of all the said messuages &c. and of all their estate in the same, was had and made by and between the sayd T. B. and T. B. being both then present, at, in, and upon the said messuage &c. with the appurtenances in manner and forme following, that is to say, That the sayd T. B. should have and injoy to him and his heires for ever quietly from the said T. B. & his heires divided in severalty, & not in joynture for his full and whole moitie, part, purparty, and portion of all & singular the said messuages &c. and in allowance and recompence thereof, one house in S. in the tenure &c. with three doles, &c. one other house &c. And that the said T. B. should have and injoy to him and his heires for ever quietly from the said T. B. & his heirs for ever divided in severalty, and not in joynture, for his full & whole moity, part, purparty and portion of all and singular the said messuage &c. and in full allowance, satisfaction, and recompence thereof, one house &c. Nevertheless for as much as some question, variance, and contention hath lately risen between the said parties touching & concerning the quiet occupation of some part of the premisses: for the appeasing whereof, and for the extinguishment and utter avoyding of all ambiguities, doubts, variances, and contentions, which hereafter might chance to arise, and sure confirmation Sect. 507.

firmation of the sayd partition so made as is abovesayd: And for a perfect and absolute partition and division to be made of such parts and portions of the sayd messuages &c. as yet remain undivided (if any such be) it is covenanted, granted, promised and agreed, by and betweene the said T. B. & the said F. & A. their heires, executors, administrators, and every of them by these presents in manner and forme following, that is, the said F. and A. for themselves, and the heires &c. of the said F. doe covenant, grant, promise &c. to and with the said T. B. his heires &c. that he the said T. B. his heires and assignes, and every of them for ever, shall or may have, hold and quietly injoy from the said A. and F. and either of them, and the heires of the said F. for ever, divided in severally and not in joynture, for his full and whole moitie, part, purpart, and portion of all and singular the said messuages &c. so by them the said T. B. & T. B. joyntly purchased, as is aforesayd, and in full recompence and satisfaction thereof, and of every part thereof all and singular the said messuages, cottages, lands, and tenements, with the appurtenances, and every part thereof, above by these presents recited, and to be allotted, appointed, or set forth for the moitie, part, purpart and portion of the said T. B. in and by the said former partition, cleerely acquitted, discharged, and saved harmelesse of, and from all manner of bargaines, sales, gifts, grants, alienations, leases, mortgages, joyntures, dowers, statutes, bonds, recognisances, rents, services, arrerages of rents and services, annuities, intrusions, fines, forfeitures, issues, amerciaments, judgements, condemnations and incombrances whatsoever &c. And the like covenants and grants on the other side, with covenants on either party for further assurance &c.

Partition amongst 4. Parceners.

Sect. 506. THis indenture Quadripartite made &c. Betweene H. L. and M. his wife on the first party, C. H. and K. his wife on the second party, N. H. and A. his wife, late wife of D. S. deceased on the third party, and T. H. and M. his wife on the fourth party, Witnesseth, that where the manors, lands, tenements, and hereditaments late of K. H. as in the right of A. his wife contained & specified in foure scedules indented annered to these Indentures are descended and come to the said M. now the wife of the said H. L. and K. now the wife of the said C. H. to A. now the wife of the said N. H. and to M. now the wife of the said T. H. as daughters and heires unto the said A. And whereof there hath beene partition, severance and allotment severally made amongst themselves by assent of their friends of all the said manors, lands, tenements and hereditaments betwixt the said H. and M. his wife, C. and K. his wife, D. and A. then his wife, now wife of the said N. and T. and M. his wife according to the lawes of this realme,

realme, and every of the ſaid huſbands and wiues haue thereby a fourth part of the premiſſes, as was ſet downe in writing, as equally as might bee by them and their friends before the ſame ſo ſeuerally came to any of the ſaid huſbands and their wiues by the ſaid partition and allotment: The contents of which writing purporting the ſeuerall parts, portions, & purparties of the ſaid parties is contained in foure ſcedules indented hereunto annered. And now the ſaid H. L. and M. his wife, C. H. and K. his wife, N. H. and A. his wife, and T. H. and M. his wife, and every of them for themſelues and their heires, doe couenant and grant by theſe preſents, for the better corroboration and confirmation of the ſaid partition made, agreed, & aſſented to, in ſuch manner & forme, as it was to, and with every the other of the ſaid parties and their heires to ſtand to, and agree to the ſame partition and allotment ſo made, and to permit & ſuffer the ſame to ſtand, remaine, and abide in full ſtrength and force for ever. And that every of them and their heires, not all onely to hold themſelues contented with the ſaid partition, and ſuch part, portion, and purpartie, as to them is aſſigned, or come, or happened in ſeueralty to be holden, by reaſon of the ſaid partition or allotment, but alſo that every other of the ſaid parties and their heires, ſhall haue and hold ſuch part, portion, and purparty, as to them or any of them is aſſigned, common, or happened in ſeueralty to be holden by the ſame partition or allotment, whereof they, or any of them the day of the date hereof are ſeiſed in ſeueralty, by reaſon or colour thereof. And further, the ſaid &c. ut ſupra, couenanteth and granteth, to and with every other of them ſeuerally, their ſeuerall heires, & executors, that every of the ſaid parties his wife and heires, for whom he or any of them couenanteth by theſe Indentures, ſhall as farre as in them, or any of them lieth or ſhall lye, or be, and at ſuch time and times as the law will ſuffer, admit and accept, during three yeeres next enſuing the date hereof, doe, cauſe, knowledge, and ſuffer to bee done, all and every ſuch thing and things, act and acts, be it by fine, recouery, releaſe, confirmation, this deed or any other to be inrolled, or otherwiſe, as ſhall be reaſonably aduiſed or deuiſed, for the full and perfect aſſurance of the ſaid ſeuerall portions and purparties, to make the ſaid partition perfect and firme, and to indure for ever, according to the due order of the law, and according to the intent & true meaning of the ſaid parties. And furthermore, the ſaid &c. ut ſupra, ſeuerally couenant and grant, to and with every other of them their ſeuerall heires, or aſſignes, that they ſhall or may haue and enioy their ſaid ſeuerall portions and purparties of the premiſſes fallen or happened by their ſaid partitions or lot or in their ſaid ſcedules hereunto annered, contained, from time to time for ever diſcharged, acquited, or ſaued harmeleſſe, of all former bargaines, ſales, leaſes, charges, and incumbrances, had, made, done, or ſuffered

by any of them, chargeable, or to be charged hereafter, or intended to bee charged or chargeable by this covenant. And that every of the ſaid coparceners, their husbands, and heires, ſhall permit and ſuffer the other their heires and aſſignes, to have, take, and inioy all evidences, deeds, and writings, onely concerning ſuch manors, lands, tenements, and hereditaments, as is ſo allotted to any of the ſaid coparceners in partition, and the true copies of all other evidences, and writings concerning their ſaid portions and purparties to them allotted, or any part thereof and any other lands or tenements, at the coſtes of the writing of ſuch copies of them that will demand the ſame, the delivery of ſuch evidences, deeds, writings, and copies to be made within the ſpace of two yeares next after the demaund thereof. Moreover the ſaid &c. that is to wit, every of the ſaid parties ſeverally for themſelves, & their heires, executors and aſſignes, covenanteth and granteth to & with every of the other of the ſaid parties ſeverally, their heires, executors, and aſſignes, that every of the ſaid parties, his wife and their heires, for whom he or any of them covenanteth by theſe preſents, ſhall permit and ſuffer peaceably and quietly every one of the other ſaid parties or coparceners, their heires, executors, and aſſignes, to have free ingreſſe, egreſſe, and regreſſe, way and paſſage, into, and from their ſeveral portions, parts, & purparties of the premiſſes contained in the ſaid ſcedules hereunto annered, to the which they cannot come or have paſſage through their owne ground to them, as aforeſayd, allotted from the common way, in, by, and through ſuch ground and part of the premiſſes, to any other of the ſaid coparceners allotted or fallen by the ſaid partition, as ſhall moſt conveniently ſerve for the ſame way and paſſage, and as may be leaſt hurtfull to them of the ſaid parties, over any part of whoſe portion, part, or purparty of the premiſſes ſuch paſſage, or way ſhall be had or made. In witneſſe whereof to the firſt part of theſe Indentures towards the ſaid H.L. and M. his wife remaining, the ſaid C.H. and K. his wife, L.H. and A. his wife, and T.H. and M. his wife have ſet their ſeales &c. to the ſecond part of theſe Indentures &c.

In this ſcedule indented Quadripartite, is contained and ſpecified the part, portion, and purpartie, of the mannours, lands, tenements, and hereditaments late of R.H. as in the right of A. his wife, which by partition, ſeverance and alotment did fall, and were allotted to H.L. and M. his wife.

Imprimis the Kitchin and boulting houſe &c.

Item a Cloſe called water Croft &c. And ſo of every of the ſaid Coparceners.

A partition betweene Coparceners.

THis Indenture made &c. Betweene R. G. of &c. and A. his wife on the one party, and E. S. and E. his wife on the other party, Witnesseth, that where divers and sundry messuages, lands, tenements, and hereditaments in S. and T. &c. be descended and come to the said A. and E. as to the two daughters and one heire of W. T. their father deceased, since whose death the said A. hath taken to husband the aforesaid R. G. and the said E. and the said E. S. who have holden and injoyed, and yet doe hold and injoy the said messuages, lands, tenements, and hereditaments in coparcenery, as in the right of the said A. and E. Now the said parties for divers good causes and considerations them specially moving, have made partition, separation, and division of the premisses, and by these presents doe make division, partition, and separation of all the said lands, tenements, hereditaments, and other the premisses, in manner and forme following. First, it is covenanted, granted, concluded, and agreed betweene the said parties: And the said E. S. and E. his wife, for themselves, their heires, executors, and administrators, doe covenant, grant, conclude, condescend, and agree to and with the said R. G. and A. and the heires of the said A. and his heires and assignes by these presents, that they the said R. and A. and the heires of the said A. shall have, occupy and injoy for his and and their part, purparty, and portion of all the said messuages, lands, tenements, and hereditaments in S. and T. aforesaid, one messuage &c. and rehearse all the parcels. And also all such other messuages &c. whatsoever they be in S. aforesaid, which by any way or meanes are descended and come unto the said A. and E. from the said W. their father. A like covenant that E. S. and E. shall injoy the lands in T. with a covenant on either part to make further assurance. And forasmuch as the lands, tenements, & hereditaments in T. aforesaid, set forth and allotted for the part, purparty and portion of the said E. and her heires, and is to be assured unto the said E. and E. his wife, and to the heires of the said E. according to the covenants in the Indenture, doe amount to a more yearely sum or rent then the said lands, tenements, and hereditaments in S. aforesaid, set forth and allotted ut supra, the said E. and E. his wife, for themselves, their heires executors, and administrators in consideration thereof, doth by these presents covenant to pay the said R. and A. ten shillings of lawfull &c. In witnesse &c. Sect. 507.

A partition betweene Joyntenants.

THis Indenture tripartite made &c. betweene A. B. and C. A. of the first party, and B. of the second party, and C. of the third party, Wit- Sect. 508.

Witnesseth, that it is covenanted, granted, and agreed between & amongst the said parties, and every of them for himselfe, his heires, executors, and administrators, by these presents doth severally covenant, grant, and agree to and with the other, his heirs, & executors in manner & forme following, first, that where the parties before this time have joyntly brought to them and to their heires of A. B. the manor of S. &c. for the purchase whereof the said parties have and must pay the summe of &c. Now it is covenanted, granted, and agreed between the said parties, and the true intent and meaning of every of them is, that forasmuch as every of the parties above mentioned doth and must pay the full and whole third part of the said sum of mony above mentioned, That if it shall fortune (as God forbid) any of the said parties above named to die before any partition or severance to be had or made amongst them shal have, occupy, and receive all rents, profits, and commodities of the said manor and other the premisses, in as ample and large manner and forme, as he or they should have done, if he or they that shall so die, had lived and been living. Furthermore, it is covenanted, granted and agreed between and amongst the said parties, that if it be, that one or two of the said parties shall happen to die before partition or severance made of the premisses, that then he or they that shall survive, and his or their heirs at all time and times within three yeares next after the death of him or them that shall so die shall doe and suffer to be done all and every such thing or things, act or acts, for the assurance & sure making of the third part of the said manor of S. with the appurtenances, to the heires and assignes of every of them, that so shall fortune to die before partition, as shal be reasonably devised or advised by the said heires of him or them that shall so die, or by his or their learned counsel, be it by fine &c. or otherwise, at the costs and charges in the law of every such person or persons that shall require any such assurance. And so other covenants as is agreed.

Partnership.

Society or joynt occupying.

Sect. 509. THis Indenture &c. Betweene I. T. and E. P. Citizens and Haberdashers of L. on the one party, and I. B. and R. J. of the same Citie Grocers on the other party, Witnesseth, that whereas at the day of the making hereof, it is accorded, covenanted &c. betweene the said parties, and either of the said parties, by himselfe, for his owne part covenanteth for himselfe &c. to the other, that they and either of them shall joyntly as partners occupy together, aswell in buying, as selling of all manner goods

goods, wares, & merchandizes, as by factorſhip, alienation, exchange, and otherwiſe, aſwell beyond the ſea, as on this ſide, viz. from the day of the making hereof, unto the end and terme of five yeares then next following; and fully to be complete and ended, during which time or terme, either of the ſaid parties ſhall be juſt, faithfull, and true to the other in buying and ſelling, and otherwiſe, as is aforeſaid. And all ſuch lucre, profit and increaſe, gaine, advantage, & winning as ſhall come and grow in buying and ſelling, any goods, wares, or merchandizes, and otherwiſe during the ſaid terme, ſhall be equally parted and divided between the ſaid parties, viz. either of them to have his juſt and true portion or part of the gaines aforeſaid, & at all times within the ſaid terme when it ſhall pleaſe either of the ſaid parties to give admonitiõ or warning to the other, then either of them to make other a juſt and true reckoning and accompt of the buying and ſelling of all manner wares, goods, merchandizes, and otherwiſe, as is aforeſaid, and of the increaſe and advantage that ſhall come and grow of the ſame. And alſo it is covenanted and agreed betweene the ſaid parties, that if either of the ſaid parties at any time within the ſaid terme, happen to loſe by debts, caſualty, or otherwiſe, any part or parcell of the occupying in buying & ſelling of any goods, wares, and merchandizes, or otherwiſe, in manner and forme as is aforeſaid, ſo that it be not by negligence, colour, or fained pretence, and that immediately proved, that the ſame loſſe be born equally between either of the ſaid parties. And alſo it is covenanted, concluded and agreed between the ſaid parties, and either of them for his own part permitteth, covenanteth and granteth to the other, that if any of them within the ſaid terme, which at this preſent time are not eſpouſed, happen hereafter to eſpouſe and marry a wife, that then forthwith it ſhall be at the will & pleaſure of the other, whether the party ſo eſpouſed or married ſhall any longer continue as partner, according to the tenor and forme above rehearſed. And alſo it is agreed, that if either of the parties happen (as God defend) at any time within the ſaid terme to die, then the executors or adminiſtrators of the goods and chattels of the party ſo deceaſed, ſhall truly without any covine or guile, make a juſt and true account, and ready payment and deliverance of all ſuch increaſe and gaines, as then ſhall be remaining to the living. And moreover it is covenanted and agreed betweene the ſaid parties. That if either of them be found untrue in his reckoning and account, contrary to the true meaning of this preſent Indenture, to the value of xx. ſhillings ſterling, then the ſaid party ſo found defective, to forfeit and pay to the other C.li. ſterling, without any delay, according to the tenor and true meaning of this preſent Indenture. And to all and ſingular covenants, promiſes, conditions, & payments aforeſaid, on either part to be truly without covine or fraud obſerved, performed, ful-

filled and kept, in manner & form aforesaid, either party for him, his heirs, executors, &c. bindeth himselfe to the other, in the sum of CCC. pound sterling, well and truely to be payd by these presents, In witnesse, &c.

Covenants of Partnership, or society in trade.

Sect. 510. THis Indenture made &c. Betweene I. W. citizen and clothworker of L. of the one party, and L. B. citizen and clothworker of London on the other party, Witnesseth, that whereas the said I. W. and L. B. have occupied together as coparceners and parting fellows, in all manner of buying, bartering, and bargaining, selling and doing of, and with their severall stocks, and of, and with divers and sundry other goods, wares, and merchandizes taken upon their credit, and of, and with all their increase and gaines that hath risen or growne by reason of their occupying, Except a particular trade of occupying for Steele, which the said I. W. hath occupyed severally by himselfe: And also except one other severall trade of retayling, which the said L. B. hath severally occupied within the shop of his dwelling house of W. in the City of London from the first day of I. which was in the first yeare of &c. unto the first day of I. now last past. And whereas also the said I. W. and L. are now contented, condescended, and agreed to occupy together as coparceners and parting fellowes, in all the trades and occupying aforesaid, of, & with all manner of merchandizes (except the said trade of occupying Steele) from the day of the date of these presents, untill the feast of the birth of our Lord God, which shall be in the yeare of &c. Whereupon it is covenanted &c. in manner and forme following, that is to say: that hee the said I. W. and his servants have & hath from time to time sithence the beginning of this copartenership, truely and honestly used, imployed, and occupyed all maner of such trades, doings, and occupying, as from time to time have or hath come to their hands, ufages, or doings, to the most profit and advantage of this joynt occupying that he or they could devise, without any manner of fraud or covin, and in such good, true, honest using, occupying & imploying of all manner of trades & doings concerning this copartenership shal frō time to time continue, untill the said feast of &c. And that the sayd I. W. and his servants, shal from time to time during the said terme, at, & upon the lawfull & reasonable request of the sayd L. B. his executors & assignes, or servants, make & declare, or cause to be made & declared unto the sayd L. B. his executors, and assignes, or servants, a true, just, and perfect accompt & reckoning in writting, of all the whole occupyings, buyings, sellings, bargainings, & doings, which the said I. W. or his servāts have or hereafter before the time of the said request shal have occupied, bought sold, bargained, borrowed, or exchāged, cōcerning this joint occupying: By which

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accompt aswell the names, sirnames, sum, & sums of mony, & quality and qualities, of wares, and merchandizes, so by him or them bought, sold, bartred, borrowed, or exchanged, concerning this joynt occupying, as the true, just, and perfect estate of their joynt occupying, may plainly, truly, and evidently appeare to the sayd W. B. his executors, and assignes, or servants. And further, that all manner of cleer increase & gains that shall rise, come, and grow by reason of this joynt occupying, shall be from time to time divided betweene the sayd parties, part & portion like. And further that he the sayd J. W. his &c. shall for his part, pay and beare all his own proper costs & charges, of house keeping, house rent, apparell, subsidies & fifteens, & that towards all the same, he the said J. W. his executors, administrators, or assignes, shall not in any one yeare take or spend out of their joint occupying above the summe of 150. li. at the most. And further, that he the said J. W. his &c. shall from time to time pay & beare the molty of all such losses as shall happen by infortune of the sea, evill debtors, or otherwise, touching or concerning the joynt occupying. And further, that the sayd J. W. hath not heretofore done, or suffered to be done, nor shall at any time hereafter during his coparcenership, do or suffer to be done any manner of act, fact, deed or thing, which is, shall, or may be any manner of damage or losse to the stock of the said W. B. or to their joynt occupying, or whereby the joynt occupying shall or may decrease, or be diminished, without the consent and agreement of the sayd W. B. his &c. first obtained in writting. And further, if the sayd W. B. happen to die or depart out of this mortall world before the said feast of the birth of our Lord God, which shall be &c. that he the sayd J. W. or his assignes, within one moneth next after lawfull request to him or them to be made by the executors, administrators, or assignes of the said W. B. shall truly make and declare to the same executors, administrators &c. a true, just, and perfect accompt, and reckoning in writting, of all the estate of this joynt occupying and coparcenership, whereby the names and sirnames of all and every debtors & creditors, and the quantity of goods, wares, mony, & merchandize, then being or belonging to this joint occupying or coparcenership, shall & may plainely, truly & evidently appear to the same executors, administrators, or assignes, but also make a true & perfect delivery & assignment to the sayd executors, administrators, or assignes of the sayd W. B. of the molty, or one halfe part of all such goods, wares, money, merchandize, and debts, as upon the sayd accompt shall appear to be remaining or belonging to the said copartenership, over & besides such debts, as the said coparceners shall then owe, or be indebted in, by reason of their joint occupying, in as large & ample manner, as if the coparcenership had bin ended, & the said W. B. remaining alive. And that the assignment of such debts as

shall

shall be allotted to the said executors or administrators of the sayd T.B. shall be made, conveyed, and assured to the same executors or administrators of the same T.B. in such manner & form, & by such reasonable conveiance as by the learned counsell of the same executors or administrators of the same T.B. shall be devised, or advised. And further, that if the sayd T.B. doth live unto the said feast of the birth of our Lord God which shall be &c. that then the said I. W. and his servants then being, within one moneth after lawfull request to him or them by the said T.B. shall make and declare such like, true, and perfect accompt, reckoning, and things, and to all intents and purposes, to the said T.B. or his assignes, as is above limited or mentioned, to be made or assigned to his executors or administrators of the said T.B. if he should happen to die, as is aforesaid. And likewise the said T.B. for himselfe &c. That he the said T.B. and his servants, have and hath from time to time, sithence the beginning of this coparcenership, truly, and honestly used, occupied, imployed, all manner of such trades and doings &c. ut supra on the part of I. W. In witnesse &c.

Exchange.

A grant of Exchange.

Sect. 511. THis Indenture tripartite made &c. Betweene the right Honorable sir W. W. knight, Lord W. of the one party, and W. S. Esquire on the second party, and R. G. of P. in the county of C. on the third party, Witnesseth, that the said sir W. W. and W. S. have given, granted, and by these presents do give and grant unto the said R.G. iij. acres and halfe an acre, and also one rod or pearch of land, parcell of their manor of D. and C. in P. aforesaid, in one field called &c. betweene &c. To have and to hold the said iij. acres and a halfe, and the said pearch of land to the said R.G. his heires and assignes for evermore in exchange, for two pieces of land of the said R.G. containing like quantity of land, lying in &c. aforesaid, in the said P. whereof one piece lyeth betweene &c. And the said R.G. hath given and granted, and by these presents doth give and grant unto the said L.W. and W.S. the said two peices of land. To have and to hold the one moity of the said two pieces of land to the said L.W. his heires and assignes for evermore: And to have and to hold the other moity of the said two pieces of land to the said W.S. his heires and assignes for evermore in exchange of, and for the said iij. acres and an halfe acre, & a rod or pearch of land. Provided alwaies, and every of the said parties for them, their heires and assignes, do grant and agree by these presents, that if it fortune any of the lands before rehearsed to be evicted or taken away,

way, out of the possession of any of the said parties, their heires or assignes by any person or persons, by any former right or title, so that the exchange cannot continue, or if the heires or assignes of the said L. W. and W. S. or the wife of the said W. S. or any of them doe disagree to the foresaid exchange, by entry into the premisses, or into any part thereof, or by any other meanes: That then and from thenceforth the said gift and grant in exchange, and of every of the parties of the premisses shall be utterly void, and of none effect. And that then it shall be lawfull to every of the said parties, their heires and assignes, after such eviction or disagreement had, to reenter into every of their said former lands, and the same to have regaine and injoy in their former estate: This Indenture in any manner of wise notwithstanding. In witnesse whereof to the one part, &c.

Grants in Exchange.

THis Indenture made &c. Betweene the right honorable T. S. &c. of the one party, and R. H. of S. in the county of C. of the other party, Witnesseth, that it is covenanted, granted, concluded, and by these presents agreed between the said T. S. &c. and R. H. in manner and forme following: that is to say, the sayd T. S. hath given, granted, and confirmed, and by these presents doth fully and clearely give, grant and confirme to the sayd R. H. and to his heirs and assignes for ever in exchange for certain lands, possessions, and hereditaments, late parcell of the lands and possessions of I. L. attainted and convicted of high Treason, with all such avoidances, presentations, nominations, free disposition, & right of patronage of the parish Church of S. aforesaid. And also all and singular his messuages, milles, tofts, cottages, lands, tenements, meadowes, moores, closes, pastures, cõmons, walks, heaths, hedges, woods, underwoods, rents, reversions, services, and al other hereditaments, liberties, perquisites, commodities, profits, and appurtenances, had, knowledged, accepted, reputed, or used, as part, parcell, or member of the same manor of S. or in any manner of wise belonging or appertaining to the same manor. All which said manors, lands, tenements, and hereditaments, and other the premisses, the said T. S. lately had to him, and to his heires, of the gift and grant of Sir R. A. knight deceased, and of D. C. gentleman, had, and purchased to them and their heires for ever, of the late King of famous memory king Henry the eight, as by certaine letters Patents thereof made to the said Sir R. A. and D. C. and to their heires, bearing date &c. in the xxv. yeares &c. more at large shall and may appeare. To have and to hold the said Lordship, manor, messuages, milles, tofts, cottages, lands, tenements, meadowes, closes, pastures, commons, heathes, moores, marshes, woods, underwoods, rents, &c. and all other the premisses, with their appurtenances in exchange Sect. 512.

exchange, as is aforesaid, to the said R. Y. his heires and assignes to the onely use and behoofe of the said R. Y. his heires and assignes for ever. All which said manor, messuages, lands, tenements, and other the premisses, the said T. S. for him, his heires and executors, covenanteth, and granteth by these presents, to and with the said R. Y. his heires, executors, and administrators, to be of the cleere yearely value of tenne pound, over and above all charges and reprises, and so shall or may continue without fraud or covin. And also the said T. S. for him, his heires &c. to, and with the said R. Y. and his heires, that the said manors, lands, tenements, and all other the premisses, and every parcell thereof, now be cleerely exonerated and discharged of all and every former bargaines, sales, wills, statutes of the staple, statute merchants, recognisances, and of all other charges whatsoever they be, in any wise had or made by the said T. S. or by any of them or by any other person or persons for them, in their right, or by the procurement of any of their lessees for terme of yeares, whereupon the old and accustomed rents or more beene reserved, and the rents and services from thenceforth due to the chief Lord and Lords of the fee or fees thereof onely excepted. And also the said T. S. hath cleerely given and granted, and by these presents doth give, & grant to the said R. Y. and to his heirs, all and singular evidences, deeds, charters, writings, and muniments, concerning onely the premisses, or any parcell thereof, as now be in the hands & possession or custody of the said T. S. or to any other to his use, or by his delivery. All and singular which said evidences, deeds, charters, writings, & muniments, the said T. S. for him, his heirs, and executors, covenanteth and granteth by these presents, to and with the said R. Y. his heires, executors, and administrators, to deliver or cause to be delivered to the said R. Y. his heirs, executors, or assignes, within the space of one yeare next insuing the date hereof. In consideration of all and singular the said exchange, covenants, grants, and agreements before in these presents recited & specified on the part and behalfe of the said T. S. to be well and truly executed, performed, observed and kept, the said R. Y. hath likewise given, granted, and confirmed, and by these presents doth give, grant, and confirme to the said T. S. and to his heires and assignes for ever in exchange, for the said manor of S. with the appurtenances, & all and singular the premisses before specified, all that his pasture and close called S. with the appurtenances, being divided into three parts, and lying &c. And also those his three weares upon the Thames now cast down, lying between I. and S. together with the waterbanks, and severall piscaries with their appurtenances, commodities and profits. To have and to hold the said close & pasture with the appurtenances, wears, waters, banks, and severall piscaries with the appurtenances, to the said T. S. his heires and assignes, to the onely

use

uſe and behooſe of the ſaid T. S. his heires and aſſignes for ever. All which premiſſes laſt recited and given by the ſaid R. H. to the ſaid T. T. in exchange, as is aforeſayd: The ſaid R. H. for him, his heires and executors, covenanteth and granteth by theſe preſents, to and with the ſaid T. S. his heires, executors, and adminiſtrators, to bee of the cleere yearely value of tenne pound, over and above all charges and repriſes, and ſo ſhall or may continue without fraud or covine. And the ſaid R. H. for him, his heires and executors, covenanteth and granteth by theſe preſents, that all and ſingular the cloſe and paſture, weares, waterbankes, and ſeverall piſcaries, and every parcell thereof, now bee cleerely eronerated and diſcharged of all and every former bargaines, ſales, willes, Statutes of the Staple, Statutes Merchant, Recognizances, and of all other charges whatſoever they bee in any wiſe had or made by the ſaid R. H. or any other his auncеſtours, or by any ſuch perſon or perſons of whom the ſaid R. H. had or purchaſed the ſame leaſes for tearme of yeares, whereupon the old and accuſtomed rents or more bee reſerved, and the rents and ſervices from thenceforth due to the chief Lord or Lords of the fee and fees thereof onely excepted. And alſo the ſaid R. H. hath cleerely given and granted, and by theſe preſents doth give and graunt to the ſaid T. S. and to his heires, all and ſingular evidences, charters, deeds, writings and muniments, concerning onely the ſaid cloſe and paſture, weares, waterbankes, and ſeverall piſcaries, or any parcell thereof, as now bee in the hands and poſſeſſion or cuſtody of the ſaid R. H. or any other to his uſe or by his deliverу. All and ſingular which ſaid evidences, charters, deeds, writings, and muniments, the ſaid R. H. for him, his heires, and executors covenanteth and grannteth by theſe preſents, to and with the ſaid T. S. his heires, executors, and adminiſtrators, to deliver or cauſe to be delivered to the ſaid T. S. his heires, or aſſignes, within the ſpace of twelve yeares next inſuing the inſealing of theſe preſents. And furthermore the ſayd T. S. for him his &c. to and with, the ſaid R. H. his heires and executors, that forаſmuch as the ſaid cloſe and paſture, weares, and other the premiſſes before mentioned in theſe preſents, and given in exchange by the ſame R. H. doe exceed the yearely value of the ſaid manner, lands, tenements, and other the premiſſes given in exchange to the ſaid R. H. and his heires, by the ſaid T. S. That therefore for the equality of the ſaid exchange, the ſayd T. S. his heires, executors or aſſignes, content and pay, or cauſe to be contented and payd to the ſaid R. H. his heires &c.

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An Exchange.

Sect. 513. SCiant præsentes & futur', quod ego W. A. armig' dedi, concessi, & hac præsenti charta mea indentata confirmavi I. S. Militi, duas partes manerii mei de O. in Com̃ N. cum omnibus nativis meis & eorum sequela, tam procreat' quam procreand', una cum omnibus terris, tenement', redditibus, servitiis, libertat' ac duobus molend' unde unum ventriticum & aliud aquaticum cum sect' mult', tam liber' qaam nativ', cum parcis, past', viis, semitis, ripar', aquis, pisc', stagn', vivariis, turbar', gard', cur', ilag', homag' ward', maritag', communiis, bosc', subbosc. warrenn̄, moris, marisc. releviis, escheat', cur', & sect. cur', cum vis. francipleg' cum omnibus aliis suis juribus pertinen̄, consuetud', libertat', & commoditat' quibuscunq; eidem maner' spectant': Dedi etiam & concessi eidem I. R. advocation. Eccleſiæ de G. prædict. maneria spectant', nec non reversionem tertiæ partis prædict. maner', quam A. mater mea tenet nomine dotis suæ cum acciderit post decessum ejusdem A. Habend' & tenend' prædict' duas partes maner' prædict', cum omnibus nativis meis &c. *ut supra*, cum advocatione Eccleſiæ prædict', ac reversion̄ tertiæ partis maner' prædict' cum acciderit præfat' I. S. & hæred. & assign' suis imperpetuum in excambio pro manerio suo de H. in com. N. quod ego habeo ex dono & feoffamento prædict' I. S. per excambium predict', de capitalibus dominis feodi illius, per servitia inde debit', & de jure consuet', sub forma & conditione sequent', viz. Quod si prædict. maner' de H. cum suis pertinentiis, vel aliqua inde parcell. imposterum de me, vel hæred meis, aut de meis assign̄ justo titulo ex antiquo tempore mot' vel movend' per legis proceſſ. & judicium in Cur' dict. Reg. redd. sive reddend. recuper' aut per statutum stapul', vel mercator', recognit', vel concession̄, ante hoc tempus per possessores dicti maner' de H. fact. sive cognit', seu aliquo modo oneretur sive extendetur, extunc bene liceat mihi præfato W. hæred' & assign̄ meis in maner' de O. cum omnibus nativis &c. una cum advocat' & reversion' prædict. reintrar' & ea rehabere & retinere, ut in statu suo pristino, hac præsenti charta mea indentat' & seisin̄ inde deliberat' ullo modo non obstante. Et ego vero prædict. W. & hæred' mei prædict. maner. de O. cum omnibus nativis &c. una cum advocat' &c. ac reversi. tertiæ partis cum acciderit præfat' J. hæred' & assignat' suis in forma quod contra omnes homines warrant' & imperpet' defendemus per præsentes. In cujus rei &c.

An Exchange.

Sect. 514. THis Indenture **made &c. Between Sir E. A. and dame M. his wife on the one party, and I. M. of &c. and W. his wife on the other party,** Witnesseth,

Witneſseth, that where the ſaid ſir E. A. and M. ſtand ſeiſed of and in the manor of M. and of one capitall meſuage called E. and the ſcite and demeane of the late diſſolved monaſtery of E. in the Countie of W. & of divers meſuages, lands, tenements, and hereditaments in E. S. A. and B. in the ſaid County of W. And where alſo the ſaid I. N. is and ſtandeth ſeiſed, of, and in the manors of H. and M. and of divers other meſuages, lands, tenements, and hereditaments in H. in the ſaid county of M. which manor, lands, &c. in the county of W. the ſaid ſir E. A. and I. N. are agreed ſhall be aſſured and conveyed, part thereof to the ſaid I. N. and W. and to the heires of the ſaid I. N. and another part thereof to the ſaid L. N. and his heires, in manner and forme, and upon condition hereafter in theſe preſent Indentures mentioned. And that likewiſe the ſaid manors of H. and M. & other the lands and tenements above mentioned in H. in the county of M. (except hereafter excepted) ſhall be aſſured and conveyed to the ſaid ſir E. and M. in manner and forme, and upon condition hereafter in theſe Indentures expreſſed. And therefore now in accompliſhment of the ſaid agreement and in conſideration of the ſumme of &c. to the ſaid ſir E. by the ſaid I. N. payd, the ſaid ſir E. A. and M. have given, granted, bargained and ſold, and by theſe preſent Indentures doth give, grant, bargaine, and ſell to the ſaid I. N. and W. and to the heires of the ſaid I. all thoſe two cloſes lying neere to G, in the ſaid county of W. aforeſaid, now or late in the tenure and occupation of E. S. gen. and all thoſe cloſes or grounds parcell of the demeanes of the ſaid late diſſolved Monaſtery, knowne by the name or names of &c. being part of the demeanes belonging to the ſaid late diſſolved Monaſtery of E. with the appurtenances, To have and to hold the ſaid cloſes, meſuages, lands, tenements, and hereditaments and other the premiſſes in the ſaid County of W. laſt before mentioned to the ſaid I. N. and W. and to the heires and aſſignes of the ſaid I. for ever, to the uſe of the ſaid I. N. and W. and to the heires and aſſignes of the ſaid I. N. for ever. And alſo the ſaid ſir E. A. and M. for the conſideration aforeſaid, have given and granted, bargained and ſold, and by theſe preſents doe give, grant, bargaine and ſell to the ſaid I. N. all that the manor of M. with the appurtenances in the ſaid county of W. and the ſaid capitall meſuage called E. and the ſaid demeſnes of the ſaid late diſſolved Monaſtery of E. in the ſaid county of W. and all and ſingular their and either of their meſuages, lands, farmes, tenements, rents, reverſions, ſervices, and hereditaments, with thappurtenances in E. in the ſaid county of W. now or late in the tenure and occupation of R. G. and of I. B. or of either of them: Alſo all thoſe cloſes, lands, woods, and grounds, meadowes and paſtures whatſoever late of I. S. and F. or either of them aforeſaid, called or knowne by the name or

names

names of &c. and also all other their and either of their messuages, cottages, mills, dovehouses, lands, tenements, meadowes, pastures, feedings, woods, underwoods, commons, waste grounds, moores, heathes, sheepwalkes, waters, pooles, fishings, rents, reversions, & all their courts, leets, profits, and perquisites of courts and leets, waives, estraies, liberties privileges, iurisdictions, prerogatives, profits, commodities, emoluments, & hereditaments whatsoever, with all & singular their appurtenances in the parish of E. &c. and all their estate, right, title, interest, claime, property and demand whatsoever, of, in, to, or out of the said manors and premisses with &c. in the said county of W. or of, in, to or out of any part or parcel thereof. And all the deeds, evidences, charters, and writings, touching or concerning onely the said manor of M. and other the aforesaid premisses before in these presents mentioned in the said County of W. or onely any part or parcell thereof, To have and to hold the said manor, site, lands, tenements, hereditaments, and all other the premisses in the said County of W. before, in, or by these presents given, granted, bargained & sold, or mentioned to bee given, granted, bargained and sold to the said I. N. with all and singular their appurtenances to the said I. N. his heires and assignes to the use of the said I. N. for ever. And the said I. N. in consideration hereof, and for the summe of &c. *vt supra ex parte I.N. mutatis mutandis.* And also his swanne marke and all his swannes, being or using in or upon the river of T. and C. or in any other place within the counties of M. H. and B. or any of them and all his estate, right, title, interest, claime, property, and demand whatsoever, of, in, to, or out of the said manors and premisses in the said County of M. or of, in, or to any part or parcell thereof, together with all and singular the deeds, evidences, charters, writings, escripts, and muniments, touching and concerning onely the premisses in the said county of M. or any part or parcell thereof (except and alwayes reserved unto the said I. N. his heires &c. all that capitall messuage called B. situate, lying, and being in &c. together with all and singular the barnes, stables, dovehouses, yeards, curtilages, moates, waters, ponds, fishings, orchards, gardens, and all other easements commons, and commodities thereunto belonging) And also except and reserved to the said I. N. his heires and assignes one great field called the B. field, two closes, the one called &c. To have and to hold the said manors &c. and all and singular other the premisses with &c. (except before excepted) unto the said sir E. A. and M. and to the heires, and assignes of the said sir E. A. for ever. Provided alwayes, and it is &c. betweene the said parties, and each of them and their heires doe covenant and grant, to and with the others and their heires by these presents, that if any the said manors &c. by these presents mentioned to bee given &c. to the said sir E. A. and M. or either

either of them, ſhall be at any time or times hereafter evicted, recovered, detained or taken away from the ſaid S. E. and M. or either of them, or the heires &c. by reaſon of any former title, cauſe or right whatſoever, having, being, or beginning before the date of &c. other than by reaſon or vertue of ſuch rights, titles, cauſes and matters as be hereafter excepted that then & from thenceforth and ſo often it ſhall and may be lawfull, to and for the ſaid ſir E. A. and M and their &c. into ſo much and ſo many acres of &c. parcell of the &c. mentioned to be granted, bargained, and ſold to the ſaid I. N. as there ſhall be acres &c. ſo evicted, recovered, &c. into ſo much and ſo many acres of &c. being parcell of the lands of &c. of the ſaid I. N. evicted, recovered &c. to reenter and to have, take, and retaine the ſame, and the iſſues and profits thereof to have and receive to their owne proper uſe, for and untill ſuch time as every of them may lawfully enter into the meſuages, lands, woods meadowes, paſtures, and hereditaments ſo evicted and taken away, and occupy, uſe, and injoy the ſame, according to the true intent and meaning in theſe preſent Indentures contained. And that then and from thenceforth all and every perſon and perſons which ſhall ſtand ſeiſed of the ſaid lands, tenements, meadowes, paſtures, woods, and hereditaments ſo to be reentred into, ſhall ſtand and be ſeiſed thereof, and of every part and parcell thereof to the uſe of the ſaid ſir E. A. and M. and of the heires and aſſignes of the ſaid ſir E. for, and according to the purpoſes and intents laſt above mentioned. Nevertheleſſe, it is covenanted &c. for them and every of them, their heires and aſſignes, that neither the ſaid ſir E. A. nor M. nor the heires nor aſſignes of any of them, ſhall enter into the ſaid capitall meſuage called E. nor into any the gardens nor orchards belonging to the ſame, nor into any the meadowes or paſtures lying within the edering wherein the ſaid capitall meſuage ſtandeth and compaſſed about with the lands, unleſſe all the reſidue of the lands &c. before mentioned to bee bargained and ſold to the ſaid I. N. be not ſufficient in value for ſuch lands, &c. as be granted, bargained or ſold by the ſaid I. N. as aforeſaid, and ſhall bee evicted or taken away as aforeſaid. Provided alſo, and it is further covenanted, granted, condeſcended, and agreed, by and betweene the ſaid parties to theſe preſents, and each of them for them & their heires do covenant and grant, ſo and with the others and their heires by theſe preſents, that if the ſaid lands, tenements, &c. *ut ſupra, ex parte E. A.* And the ſaid ſir E. A. for him and his heires doth covenant and grant, to and with the ſaid I. N. his heires & aſſignes by theſe preſents, that hee the ſaid ſir E. A. and his heires ſhall and will from time to time, & at all times hereafter acquite, eronerate & diſcharge, or ſufficiently ſave or keepe harmeleſſe aſwell the ſaid I. N. his heires and aſſignes, and every of them, as alſo the ſaid manor of M. and the lands, tenements and hereditaments above

mentioned to be bargained and sold to the said I. N. of and from all and all manner of former bargaines &c. ut supra 110. whatsoever, had, made, or done, the rents, or services from thencefoorth to bee due to the chiefe Lord or Lords of the fee or fees thereof. And one bargaine and sale of divers woods, underwoods, and standards growing & being in one Parke, or parcell of ground called the new P. and in and upon one grove called &c. being parcell of &c. excepted & foreprised. And further the said E. A. for him and his heires doth covenant, &c. to and with the said I. N. his heires and assignes by these presents, that they the said E. and P. the heires and assignes of the said E. and all and every other person and persons and their heirs now having or claiming or which at any time hereafter shal or may have or lawfully claime to have any manner of estate or interest of freehold or inheritance of, in, and to the said manor, site, demesne land, tenements, and hereditaments above mentioned to be bargained and sold to the said I. N. shall and will from time to time, and at all & every time and times hereafter during the space of five yeares now next insuing, upon reasonable request therefore to be made, and at the costs & charges in the law of the said I. N. his heires and assignes dos, make, knowledge, execute, and suffer or cause to be done, knowledged, and executed all and every such reasonable act and acts, thing and things, devise & devises whatsoever, for the further, better, more perfect and absolute assurance, surety, sure making and conveying of the said manor, site, demesne lands, tenements and hereditaments, and all and singular other the premisses, above mentioned to be bargained and sold to the said I. N. to be had and made sure to the said I. N. his heires and assignes, according to the true intent and meaning of these presents, bee it by deed or deeds, inrolled, or not inrolled, the Inrolment of these presents, fine, feoffement, recovery with voucher or vouchers over, release, confirmation, or otherwise, as by the said I. N. his heires or assignes, or by his or their Counsell learned in the law shall be reasonably devised or advised, so that the said E. A. and P. or the heires of the said E. be not compelled to travell forth of the citie of L. or county of P. in or about the doing or knowledge of any the act or acts, thing or things, aforesaid. And further, that the said E. A. his &c. shall and will before the feast of &c. upon reasonable request therefore to be made, deliver or cause to be delivered whole & uncancelled unto the said I. N. his heires or assignes al such deeds, evidences, charters, writings and muniments which the said E. or any other to his use, or by his delivery hath or have touching or concerning the said manor of P. site, lands, tenements, and hereditaments above mentioned to be bargained and sold to the said I. N. or any part or parcell thereof. And the said I. N. for him and his heires doth covenant and grant to and with the said E. A. his heires and assignes by these presents,

ſents, that he the ſaid I. M. and his heires ſhall and will from time to time and at all and every time and times hereafter acquite, exonerate and diſcharge, or ſufficiently ſave and keep harmeleſſe as well the ſaid C. A. and P. and the heires and aſſignes of the ſaid C. and every of them, as alſo the ſaid manor, meſuages, lands, tenements and hereditaments, and all and ſingular other the premiſſes above mentioned to be bargained and ſold to the ſaid C. and P. and every part and parcell thereof, of & from all and all manner of former bargaines, as in covenants to ſave harmeleſſe, the rents & ſervices from henceforth to be due to the chiefe Lord or Lords for the fee or fees thereof, and all copiholds, cuſtomary eſtates, rights, and titles by copy iuſtly claimed by any perſon or perſons by copy, according to the cuſtomes of the ſaid manors of H. and P. or either of them, excepted and foreprized, and except alſo one leaſe made to A. B. of &c. for the rents of 50 li. whereof there is not above xix. yeares to come, and alſo except one leaſe made to A. B. of S. for the rent of xiii li. being not above xix. yeares to come. And alſo &c. And moreover the ſaid I. M. for him and his heires doth covenant and grant to & with the ſaid C. A. his heires and aſſignes by theſe preſents in manner and forme following, that is to ſay, that he the ſaid I. M. and W. now his wife, and their heires, and all and every other perſon and perſons and their heires now having, ut ſupra for further aſſurance. In witneſſe &c.

An exchange of lands for yeares.

THis Indenture of exchange made &c. Betweene H. B. of C. &c. and R. M. of &c. on the one party, Witneſſeth, that the ſaid H. B. hath demiſed, granted, and to farme letten, and by theſe preſents doth &c. unto the ſaid R. P. all theſe parcels of land hereafter rectified, lying in M. aforeſaid, that is to ſay &c. To have and to hold the ſaid one acre and three roods of land &c. with th'appurtenances unto the ſaid R. P. &c. in exchange for certain other lands hereafter in theſe preſents mentioned from the feaſt of &c. unto the end and terme of xx. yeares from thence next following, and fully &c. without impeachment of any manner of waſt or deſtruction to be committed or done by the ſaid R. P. his heires &c. without any thing yeelding or paying unto the ſaid H. B. &c. during the ſaid terme of &c. in conſideration whereof the ſaid R. P. hath demiſed, granted, &c. and by theſe preſents &c. unto the ſaid H. B. all thoſe parcels of ground hereafter rectified lying in C. aforeſaid, viz. (naming the lands certainely) &c. To have and to hold &c. with the appurtenances unto the ſaid H. B. &c. in exchange for the ſaid land firſt above expreſſed from the ſaid feaſt of &c. unto the end of the ſaid terme of xx. yeares from thence &c. without impeachment of any manner of waſt or deſtruction to be committed or done by the ſaid H. B. Sect. 515.

&c. without any thing yeelding and paying therefore unto the said R. P. &c. during &c. And the said H. B. doth covenant and grant &c. that the same R. P. &c. shall have, occupy, and injoy all the said lands and premisses above letten by the said H. B. unto the said R. by this Indenture of exchange, by and during all the said terme of &c. in manner & forme above recited, without let or interruption of the said H. B. his heires, executors, &c. And the said R. P covenanteth &c. that the same H. B. &c. shall have, hold, occupy, and injoy all the said lands and premisses above letten by the said R. P. unto the said H. by this Indenture of exchange, by and during all the &c. in manner and forme above recited, without any let or interruption of the said R. P. &c. And for the performance of all covenants, grants, promises, and agreements on the part of the said H. B. &c. above rehearsed in this Indenture, well and truely to bee observed, performed, fulfilled, and kept according to the purport and effect of these Indentures, the same A. B. bindeth himself &c. unto the said R. W. his heires &c. in the summe of x. li. of lawfull &c. And for the performance of all covenants ut supra on the part of the said R. P. &c. above rehearsed in this Indenture well and truely &c. ut supra, according to the purport &c. of this Indenture the said &c. bindeth himselfe &c. unto the said H. B. and in the summe of &c. In witnesse &c.

Note that in exchange, it is convenient that the states of both parties be equall. And that for the perfecting thereof either party actually reenter into the lands to him thereby grant.

Letters of Atturney.

What and how necessarie Atturnies be.

Sect. 519. HItherto have we in some sort intreated of such acts and Instrumēts as are made and done by the parties themselves, being personally present: Now we intend to set down such Instruments as give authority to other as their Factors or Atturnies to do the like for them. And that the rather, for that mention is made before, that Livery of seisin may be made by proctors or Atturnies, authorized thereunto by written Warrants. And even as Livery of seisin, so may many other acts and Instruments in civill causes bee performed by Atturnies: which seemeth very reasonable, for that that many times the parties themselves are so hindered, either by infirmitie, or by such multiplicity of busines & affaires in sundry places at one time, that they cānot possibly be present at al: Wherfore Atturnies be very necessary & profitable for humane society; which bee defined such persons as by the consent, commandements or requests of

of the parties, doe take heed, ſee to, and take upon them the charge to doe other mens buſines and affaires in their abſence, according to the authority and truſt to them committed by the owners thereof. In Inſtruments making and ordaining of Atturnies, which bee ſometimes called Letters of Atturney; ſometimes Warrants of Atturney; ſometimes Proxies or procurations, ſeeme neceſſarily to bee conſidered ſixe things, viz. Firſt the name of the party which is to make the Inſtrument, and of him which is to be made Atturney. 2. The Atturnies conſent to the ſame. 3. Againſt whom. 4. In what matter or cauſe. 5 Before what Iudge or other perſon. 6. For what act or end. All which things will plainely appeare in the enſamples following.

A Letter of Atturney to receive Money.

THis Bill made &c, Witneſeth, **That I I. Y. of Lincolnes Innes &c. have conſtituted and made I. Y. my ſervant, my lawfull Atturney to receive for me, and to my uſe, all ſuch ſummes of mony as ſhall be due unto me by one L. R. of Y. in the &c. be it by matter of Record or otherwiſe, And alſo giving him further authority in my name after the payments of the ſaid ſummes, to make a good and perfect acquitance or acquitances, And I the ſaid I. Y. doe grant by theſe preſents, to allow, ſtand to, and to juſtifie all ſuch act and acts, thing and things, touching and concerning the receipt and making acquitances aforeſaid, as my lawfull Atturney ſhall doe, as is aforeſaid.** In witneſſe **whereof I have hereunto put my hand and Seale.** Sect. 517.

A Letter of Atturney by a Maior and Comminaltie, for their gathering of their rents and debts.

NOverint univerſi per preſentes nos Maiorem & Communitat' Burgi de D. in comitatu Eborum, pro nobis & ſucceſſoribus noſtris feciſſe, ordin', conſtituiſſe, & in loco noſtro poſuiſſe, dilectos nobis in Chriſto W. S. & F. M. de eadem in eodem Com', noſtros veros & legitimos Atturnatos conjunctim & diviſim, ad petend' & exigend', levand', recuperand', & recipiend', vicibus & nominibus noſtris, & pro nobis & ad uſum noſtrum de tempore in tempus, omnes & ſingulos pecuniarũ ſummas, debit', arrerag' & redd' quoſcunque nobis debit' quacunq; de cauſa per aliquã ſive aliquas perſonas infra Regnũ Angl', tam modo nobis debit' & aretro exiſten' quam impoſter' fuer' debit'. Et inſuper concedimus pro nobis & ſucc' noſtr' conjunct' & diviſim, plen' & integram poteſtat' & authoritat' ad arreſtand', proſequend', implacitãd', & condemnari faciend', ac execution' debit', obtinend' pro nobis & ſucceſſoribus noſtris, Ac diſtrictionem & diſtrictiones pro redditibus & arrerag', Sect. 518.

reddend' nobis debit' de tempore in tempus, capiend', imparcand', ac recuperand', ac omnia prædict' debit' & arrerag' recipiend', ad usum nostrum & successor nostror. Et debit' acquietanc' pro summ' sic recuperat' & recept' faciend', & nominibus nostris deliberand', ac ea omnia & singula agere, facer', & perimplere quæ circa præmiss. necessar' fuerint & oport', adeo plenar' & integre prout nosmetipsi posimus sive deberemus in præmissis facere, Ratum & grat' habens & habitur' totum & quicquid dicti atturnati nostri fecerint, seu eorum alt' fecerit in præmissis virtute præsentiu. In cujus rei testimonium huic præsenti script' nostro sigillum nostrum commune apposuimus. Dat' die &c. anno &c.

A Letter of Atturney to oversee lands, receive rents, and enter for nonpayment thereof.

Sect. 519. BE it knowne to all men by these presents, that I J. S. of B. in the County of S. yeoman, have made constituted, ordained, and put in my place, my right welbeloved in God R. M. gentleman, my true and lawfull Atturney in this behalf, to oversee, rule and governe for me and in my name, all my lands and tenements, as well freehold as copyhold, set and lying in the towne and parish of C. in the county of S. And also to receive for me and in my name all the rents, issues, commodities and profits coming and growing of the same lands and every parcell thereof, and the farmors of the same lands for nonpayment to expell, put out and amove, and them to let to farme to other at his own pleasure and discretion, giving and granting unto the said Atturney my full power & authority by the tenor of these presents to doe and execute all and singular the premisses, as fully, wholly and surely, as I the said J. S. might or should doe, if this my present writting had not been made &c. In witnesse &c.

A Letter of Atturney for speciall debts.

Sect. 520. VNto all Christian people to whom this present writting shal come R. S. of &c. sendeth greeting. Know you me the said R. S. to have constituted, and in my place set my welbeloved in Christ A. D. my true and lawfull deputy and Atturney to aske, demand, levy, recover, and receive for me and in my name, and to my use of C. W. of &c. the summe of &c. of lawfull English money, which the said C. W. oweth unto me, and wherein he standeth bound unto me by his bill obligatory: Giving, and by these presents granting to my said Atturney my whole power & authority in the premisses if need shall require to sue and pursue the said C. W. his executors &c. for me and in my name in any Court spiritual or temporall, before any Judge or Justices, or to use any other lawfull wayes or meanes for the recovery of the said &c. And also to compound, seale and deliver Letters

ters of acquitance, or anyother lawfull diſcharge for mes and in my name. And moreover to ordaine & ſet Atturney or Atturnies, one or more under him, and at his pleaſure againe to revoke and countermand the ſame. And to doe, execute, performe and finiſh for me and in my name all and ſingular things which ſhall be expedient and neceſſary concerning the premiſſes as thoroughly and wholly as I the ſaid R. S. might or could doe in or about the ſame. And whatſoever my ſaid Atturney ſhall doe or cauſe to bee done in the premiſſes, I promiſe to allow, confirme, performe, and eſtabliſh, and thereto I bind me, my heires and executors by theſe preſents. In witneſſe &c.

A Letter of Atturney to recover and retaine Dabt.

BE it knowne &c. That whereas W. P. &c. is bound unto J. R. by one Obligation or writing obligatory, bearing date the &c. in the ſum of three hundred pounds, to be payd to the ſaid J. R. his executors or adminiſtrators, or ſome of them, with conditió thereupon indorſed, as thereby appeareth, That now the ſaid J. R. for and in conſideration of a certaine ſumme of money to him the ſaid J. R. by R. S. before-hand payd, hath bargained and ſold, and by theſe preſents doth bargaine and ſell unto the ſaid R. S. his executors, adminiſtrators, and aſſignes the ſaid Obligation, or writing obligatory, of three hundred pounds aforeſaid, and alſo doth by theſe preſents make, conſtitute, and in his place put the ſaid R. S. his true and lawfull Atturney, in his name and place to aſke, demand, leby, recover, & receive of the ſaid W. P. his heires, executors, & adminiſtrators, and every of them, the ſaid three hundred pounds, in the ſaid writing obligatory mentioned and expreſſed. And alſo doth by theſe preſents give and grant unto the ſaid R. S. his executors and adminiſtrators, and every of them, full and whole power and authority in the name of him the ſaid J. R. to ſue, arreſt, impriſon, and condemne, and cauſe to be ſued, arreſted, impriſoned, and condemned, the ſayd W. P. his heires, executors, and adminiſtrators, upon the ſame writing obligatory of 300. li. And alſo to procure iudgement and execution to be had and made againſt the ſaid W. P. his heires, executors, & adminiſtrators for the ſame three hundred pounds. And alſo for, and in the name of him the ſaid J. R. to releaſe and acquite the ſaid W. P. his heires, executors, and adminiſtrators, and every or any of them for the ſame three hundred pounds. And releaſe or releaſes, acquitance or acquitances to make, ſeale, and deliver unto them, and every or any of them of the ſame ſum of three hundred pound, and of every or any part thereof. And one atturney or moe for the doing of the premiſſes to make, and the ſame at his pleaſure to revoke, & new in their place to ſubſtitute, and to doe, performe, execute all and ſingular things which ſhal be Sect. 521.

expedient or neceſſary concerning the premiſſes, ſo fully, as hee the ſaid I. R. might or could doe the ſame being perſonally preſent at the doing thereof. And further the ſaid I. R. doth by theſe preſents give and grant unto the ſaid R. S. his executors and adminiſtrators, good and lawful authority to receive, retaine, and keepe to his and their owne proper uſe and behoofe the ſaid ſum of three hundred pounds, in the ſaid Obligation mentioned, without any accompt to be rendred to him the ſaid I. his executors, or adminiſtrators, for the ſame, or any part thereof. And the ſaid I. R. for himſelfe, his executors & adminiſtrators, and every of them doth by theſe preſents covenant, grant, promiſe, and agree, to, & with the ſaid R. S. his executors and adminiſtrators, and every of them, that he the ſaid I. R. his executors and adminiſtrators, and every of them ſhall and will juſtifie, allow, ratifie, and performe all & whatſoever he the ſaid R. T. his heires, executors and adminiſtrators, ſhall lawfully doe, or cauſe to be done, in, or about the premiſſes. And that neither he the ſayd I. R. his heires, executors nor adminiſtrators, nor any of them, will revoke, nor make voyd this letter of Atturney, nor any authority thereby given to him the ſaid R. And that he the ſaid I. R. hath not heretofore releaſed, nor made voyd the ſaid Obligation, nor the ſaid ſum of three hundred pounds therein contained, nor any part thereof: nor hath done, nor ſuffered to be done, nor hereafter will do, nor ſuffer or aſſent to be done any act or acts, thing or things, whereby the ſaid ſumme of three hundred pounds, in the ſaid obligation mentioned may not be recovered, obtained, and had by the ſaid R. S. his executors, adminiſtrators, or aſſignes, or ſome of them, according unto the true meaning hereof. And for the performance of all articles, covenants, grants, and agreements herein contained, he the ſaid I. R. doth by theſe preſents bind himſelfe, his heires, executors, and adminiſtrators, and every of them to the ſaid R. S. his executors, & adminiſtrators, in foure hundred pounds of lawfull money &c. to be payed to the ſaid R. S. his executors and adminiſtrators. In witneſſe &c.

A Letter of Atturney made by Executors.

Sect. 522. NOverint univerſi per præſentes nos R. I. & M. uxor meam nuper uxor' T. S. (dum vixit) ac executricem Teſtamenti ejuſdē T. aſſignaſſe, feciſſe, & loco noſtro conſtituiſſe dilecto nobis in Chriſto Iohannem C. & M. uxor' ejus, noſtr' fideles & legitim' Atturnat', conjunctim & diviſim, ad petend', levand', & recipiend' vice & nomine noſtro, ad eorum proprium uſum, omnia & ſingula bona, mobilia & immobilia, huſtilimenta & neceſſaria quæ præf. T. die obitus ſui habuit, & ſibi pertinebant infra meſuagiū ſive tenementū ſuum in H. in comitatu E. quod idem T. per teſtamentum ſuum dedit & legavit prefat' I. C. & M. uxor' ſuæ, ſoroſi

ſorori ejuſdem T. cum omnibus et omnimodis hujuſmodi huſtilimen tis et boñ eidem meſuag' ſive tenemento, ligniſer omnino excepť, eidem meſuag' ſive tenemẽto ut appropriať reſervatis quæ omnia et ſingula debita quæ dicto T. die ejus obitus debebantur, infra comitať E. prædict', præd. T. in dicto ſuo teſtamẽto voluit et legavit præf. I.C. et M. ux' ejus: Dantes et concedentes præf. I. et M. atturnať noſtris, ac utriqne eorum, plenam et liberam, tenore præſentiũ poteſtatem noſtrã, ob defect' deliberationis et ſolutionis in hac parte, ſi neceſſe fuerit, tam omnes et ſingulos debitores, detentores, et eorũ quemlibet omniũ bonorum, huſtilimentoř et neceſſarioř præd', ac cujuſlibet eorũ parcell' (excepť et reſervať præexceptis et reſervať) quam omnes et ſingul. debitoř et detentores debitoř prædicť, ac quemlibet eorum arreſtari faciend, impriſonandi, et extra priſonam liberand': Nec non implacitand. et proſequend. in quibuſcunq; curiis, et coram quibuſcunque judicibus et Juſtic. quorũ intereſt, adeo preciſè et integrè, ſicut lex exigit et permittit, et de receptis in hac parte, acquitanc' nomine noſtro faciendi, ſigillandi, et deliberandi, attorũ quoque unũ vel plures ſub ſe conſtituend', et pro ſuo libito revocandi, cæteraq; omnia et ſingula quæ in præmiſſis et circa præmiſſa neceſſaria fuerint, ſeu quomodolibet opportuna faciend' exercend', et exequend', adeo integrè, prout noſmetipſi facere poſsumus, ſi præſentes ibidem perſonaliter intereſsemus. Ratum et gratum &c. In cujus &c.

A Letter of Atturney upon the Kings licenſe.

VNiverſis, &c. I.P. unus Armig' pro corpore illuſtriſs. domini noſtri Regis &c. ſalutem in domino ſempiternam, Cum idem Dominus noſter Rex, per ſuas gratioſas literas patentes, quarum datum eſt apud Weſtm̃ x. die Feb. ann' regni ſui xxxj. in conſideratione veri & fidelis ſervitii, quod ego dict. I. P. eidem illuſtriſſimo domino noſtro ante hæc tempoř impendi, et durante vita mea impendere intendo, conceſſit, et licentiã dederit mihi præf. I.P. quod ego per me, aut deputať ſive deputať meos indigenas ſive alienigenas, numerum et quantitatem ducentorũ doleoř ſatis, Anglicè vocat' Woad, de Tholoſa in partibus ultramarinis emere & providere, ac eadem ducenta dolea de Woad, in una navi, ſive diverſis navibus, de obedientia dict' Domini Regis, aut obedientia aliquorum amicorum & confederatorũ ſuorum cariare et imponere, ac in quemcunque locũ, ſeu quæcunque loca hujus regni ſui Angliæ, una vice, vel diverſis vicibus ibidem ad meum maximum proficuũ & advantagium importand', conducend', & inducend', vendend', & diſtribuend', conduci & diſcariari facere poſſem & valeam licitè & impunè: aliquo actu, ſtatuť, reſtrictione, prohibitione, aut proclamatione in contrař fact. non obſtante, prout præd' literis patentibus inde confectis plenius continetur. Sect. 523.

tur. Noveritis me præfat' I.P. virtute & authoritate dictarum literarum patentium, feciſſe, ordinaſſe, conſtituiſſe, & in loco meo poſuiſſe dilect' mihi in Chriſto A.C. & C.D. Mercatores de H. meos veros & legitim' deputatos, factores irrevocabiles conjunctim, vice & nomine meo ad faciendum, exequendum, & adminiſtrandum, ad uſus, commoda, & proficua propria eorundem A.B. & C. D. omnia & ſingula in dictis literis patentibus contenta & ſpecificata, viz. in tam amplis modo & forma prout ego dictus I.P. facere potuiſſem, ſeu debere, m vigore prædict' literarum patentium, ſi ibidem præſens perſonaliter intereſſem. Et deputat' ſive factorem unum, ſive plures ſub ſe conſtituen, & ad libita ſua revocand': Quibus quidem A.B. & C. D. & eorum utrique conjunctim, ego dictus I.P. do, concedo, & tranſporto per præſentes, omnimodam poteſtatem meam & authoritatem in præmiſſis. Ratum & gratum habens & habiturus, totum & quicquid dicti deputat' & factores mei nomine meo fecerint, ſeu fieri procuraverint, aut eorum aliquis fecerit, ſeu fieri procuraverit in præmiſſis, & in quolibet præmiſſorum per præſentes. In cujus rei &c.

A Letter of Atturney to deliver poſſeſſion of Lands.

Sect. 224. NOverint univerſi per præſentes me W.B. &c. aſſignaſſe, feciſſe & loco meo poſuiſſe, ac cõſtituiſſe per præſentes, dilect' mihi in Chriſto A.R. meũ verum & legit' Atturnat' ad intrand. pro me, vice et nomine meo, in omnia illa meſuag' terr', &c. Et poſt talem introitum, ad deliberand', pro me, vice et nomine meo, plenam et pacificã poſſeſſiõn et ſeiſinam, de, et in prædict' meſuag', terr', &c. omnibus ſuis pertinen' I. B. aut ſuo certo Atturnato, hæred. et executoribus ſuis, ſecundũ vim, formam, tenorem, et effectũ cujuſdam chartæ me per præfat' W. antedict. I. B. et aliis factæ, cujus dat' eſt &c. prout per inſpectionẽ ejuſdem plenius apparebit: Ceteraque omnia & ſingula &c. Dat' &c.

A Letter of Atturney to receive poſſeſſion of Lands.

Sect. 525. NOverint &c. dilectũ mihi in Chriſto C. D. meum verum et legitim Atturnat', ad intrand' pro me, vice & nomine meo, in unum meſuag. cum gardino et ſuis &c. ac plenam et pacificã poſſeſſionem et ſeiſinam inde capiendam. Et poſt hujuſmodi ſeiſinam et poſſeſſionem ſic inde recept et habit', eandem ad meum proprium uſum retinend' et cuſtodiend' ſecundum vim, formã, et effectum cujuſdam chartæ mihi et aliis factæ per E.F. generoſum, ut per eandem chartam inde confectam, cujus datum eſt &c. manifeſtè liquet & apparet: Ceteraque omnia &c.

A

A Letter of Atturney to receive poſſeſſion and coſts of the Sheriffe.

BE it knowne &c. That I P. T. &c. haue conſtituted, ordained and made I. F. my lawfull Atturney, for me, and in my name, to receiue of the Sheriffe of the County of P. or his deputy, full & peaceable poſſeſſion, of one meſuage or tenement with the appurtenances in G. & ſuch money as I haue recouered for my damages & coſts againſt A. R. widow, in an Ejectione firmæ, according to the tenor, effect and meaning of the writ of our Soueraigne Lady the Queene of Habere facias poſſeſſionem, and Fieri facias, to the ſayd Sheriffe directed. In witneſſe &c. Dated &c. Sect. 526.

A Letter of Atturney to take poſſeſſion of lands recouered.

NOverint &c. nos H. G. et H. W. feciſſe, ordinaſſe, et loco noſtro poſuiſſe dilect' nobis in Chriſto W. P. et I. H. noſtros veros et legitim Atturnat conjunct. et diviſim, ad intrand' vice et nominibus noſtris in manerio de B. pertin, ac in quinquaginta acras terræ, viginti acras prati, trecent acr paſtur, quadraginta acras boſci, & quinque libratas reditus cum pertin' in B. S. et R. in com E. quæ nos prædict H. C. et H. W. per breve domini regis de ingreſſu ſuper diſſeiſinam in le poſt, verſus J. C. armig', in cur dicti domini regis, coram Juſtic' ſuis apud Weſtm. termino S. Mich. antedict. &c. recuperauimus ad uſum J. S. Milit et hæred ſuor ac de, et ſuper hujuſmodi introitu ſic fact plena et pacifica poſſeſſion, de et in man, terr, et tenement prædict cum pertin nominibus noſtris capiend' et continuand' ad uſum prædict J. S. et hæred' ſuor, donec aliter inde duxerimus diſponend'. Rat et grat habeñ et habitur tot et quicquid dicti atturnat' noſtri nominibus noſtris fecer ſeu eorum alter fecer in præmiſſis, prout ibid. præſentes perſonalit' intereſſemus. In cujus rei &c. Sect. 527.

A Letter of Atturney to receiue poſſeſſion of lands extended by a Statute Merchant.

OMnibus Chriſti fidelibus etc. T. B. Civis et Dra. L. ſalutem in dom. Cum R. E. Miles, vic' com. E. virtut. brevis dom regis ſibi inde direct' extendi feciſset unum meſ. et xx. acr terr cum pertin' in D. in com. E. quæ fuerunt I. K. ad valor xl. s. per ann, quod quidem meſ. et xx. acr terr cum pertin dictus Vic', cum ea ſic extendi feciſset, ſeiſir fecit in manus dom. Reg. Noueritis me præf. T. B. aſſignaſſe, feciſſe, locoq; meo poſuiſſe et conſtituiſſe dilect' ſeruient meum R. B. meum verum et legitim. in hac parte atturnat', ad recipiend. pro me, et in nomine meo de præfat. Sect. 528.

præfat R.M. Vic' com prædict. plenam poſſeſſionem & ſeiſinam, de, & in prædict. meſ. xx. acr terr cum pertin quæ mihi de præfat T.B. præd Vic. virtute brevis dicti dom Regis ſibi inde direct liberari debent & extend: Tenend mihi & aſſign meis ut liberum tenement meum ſecund. tenorem, vim, formam, & effectum ejuſdem brevis domini Regis eidem Vic. ut præfertur direct. Dans et concedens præf. Atturnat meo, plenam et ſufficientem tenore præſent poteſtatem meam, authoritatem et mand ſpeciale, ad faciend, exercend, et exequend. pro me, et in nomine meo, de, & in præmiſſis, et in quolibet præmiſſorum, omnia ea et ſingula quæ ego præfatus T.B. facere poſſem, ſive deberem, ſi præſens ibidem perſonaliter intereſſem. Ratum et gratum habens et habiturus firmum et ſtabile, totum et quicquid prædict Atturnat meus nomine meo fecerit in præmiſſis per præſentes. In cujus rei teſtimonium præſentibus ſigillum meum appoſui. Dat &c.

A Letter of Atturney to enter for default of payment.

Sect. 529. OMnibus Chriſti fidelibus, ad quos præſens ſcript pervenerit, A.P. ſalut in domino ſempiternam. Cum ego præf. A. nuper dimiſerim, feoffaverim, et per quandam chartam meam tripartit confirmaver W.C. unum tenementum cum pertinent, ſituat in parochia S. Cedd Salop, viz. inter tenement &c. Habend. et tenend. prædict. W. hæred. et aſſign ſuis imperpet, ſub form et conditione ſequen, viz. Quod præd. W. hæred. vel aſſign ſui ſolverunt, aut ſolvi facerent mihi præf. A. aut execut meis, in eccleſia S. Cedd Salop. ad feſtum S. Mich. arch. prox. futur poſt datum chartæ prædict x. li. ſterling. Et ſi prædict. W. vel aſſign ſui defeciſſet, vel defeciſſent in ſolut. ſummæ prædict, aut in aliqua inde parcell. ad feſtum ſolutionis ſuperius limitat, extunc bene liceret mihi præfat A. in prædict tenementum cum pertin reintrar, & illud in priſtino ſtatu meo rehabere, prædict charta feoffamenti et dimiſſionis non obſtante, prout in eadem charta plenius liquet. Et quia præfat W. ſolutionem præd. fregit. Noveritis me præf. A. occaſione præmiſſ. arturnaſſe, et plenam poteſtatem meam conceſſiſſe dilectis mihi in Chriſto T.M. et I.P. conjunct. et diviſim, ad reintrand' reclam' & poſſidend', pro me, & nomine meo, in præd. tenemento cum pertin, ut in priſtino ſtatu meo, et præfat' W. inde expellendum & amovendum, dictumque tenementum in manibus ipſorum T. et I. ad opus meum tenend', donec aliter inde duxerint diſponend'. Ratum et gratum habens et habiturus totum et quicquid præfat. Atturna' mei fecerint nomine meo, ſeu eorum alter fecerit in præmiſſis, prout egomet facere poſsem ſi perſonaliter intereſsem. In cujus &c.

A

A Letter of Atturney to receive debts, sue, and make acquitances.

BE it knowne unto all men by these presents, that I H. D. of &c. have made, assigned, and assured ordained and deputed, and in my stead and place by these presents put and constituted my wellbeloved friends & kinsmen R. W. and S. of &c. my true and lawfull atturnies irrevocable, joyntly, & either of them severally, for me & in my name, & to my use to aske, levy, recover, and receive all and singular such debts, duties sum and summes of mony as are or shal be due or owing unto me the said H. D. by A. B. C. D. &c. or by any other person or persons whatsoever, Giving, and by these presents granting unto my said Atturnies, & to either of them jointly and severally, full power and authority, for me, and in mine name, and to my onely use to sue, arrest, implead, condemne and imprison every of my debtors aforesaid. And at their, and either of their liberties and pleasures, such person and persons out of prison to deliver, or cause to be delivered. And upon the receipt of any sum or summes of money, to my use to be received of any of the persons aforesaid, acquitances, or other lawfull discharges for the same, for me, and in my stead and name, to make, seale, and deliver as my deed or deeds. And one Atturney or moe under them, or either of them to make or substitute, and at their or either of their free wils againe to revoke: and all and every other thing and things, which shall bee needfull and necessary to be done, in or about the premisses, the same to doe as fully and wholly, as I my selfe might doe, if I were there personally present, holding firme and stable all and whatsoever my said Atturnies, or either of them shall doe, or cause to be done, in or about the premisses by these presents, Sealed with my seale. Given the viii. day of M. in the xxii. yeare of the Reigne &c. An. Do. 1630. Sect. 530.

A Letter of Atturney to seale an Indenture and Obligation.

BE it knowne &c. That I S. G. &c. have made my true and lawfull Atturnies, joyntly and severally, to seale and deliver for me, and in my name one Indenture made betweene &c. bearing date &c. And also to seale and deliver for me &c. to the said Sir P. one Obligation, wherein I the said Sir G. shall stand bounden to the same Sir P. in the summe of &c. with condition thereupon indorsed, for the performance of the covenants, grants, and agreements, comprised in the said Indenture: Which said Indenture and Obligation after the same shall bee so sealed and delivered by my said Atturnies, or one of them, I the said Sir G. doe promise by these presents, that the same Indenture and Obligation & either of them, shall be my effectuall deed and deeds in the law, and shall be of as good strength, force, Sect. 531.

force, & effect in the law, to all intents, constructions, and purposes, to bind me, my heires and executors, against the said Sir P. his heires and executors, and against every of them, as though I the said Sir G. had sealed and delivered the said Indenture and Obligation my selfe. In witnesse whereof &c.

A Letter of Atturney to alien lands.

Sect. 532. BE it knowne unto all men by these presents, that I A. B. of D. within the County &c. have ordained, constituted, made, & in my place put my welbeloved R. D. my true, full, and lawfull Atturney, and to the same R. have given, and granted, full power and authoritie to give, grant, bargaine and sell or by any other lawfull way, or meanes, to alien, convey, and assure, at his will, pleasure, and discretion, for mee and in my name, all that my messuage, toft, garden, orchard, x. acres of wood, x. acres of heath, furres, and x. shillings rent, with their appurtenances in G. in the County of P. to any person or persons whatsoever, according unto the Lawes of this realme. To have and to hold to the said person or persons whatsoever, their heirs & assignes, or the heires or assignes of any one of them forever, to the onely use and behoofe of the said person or persons, to whom the premisses shall be alened, conveyed and assured, as is aforesayd, to and for the summe of an C. li. of lawfull English money, to be well and truely payd to the said Atturney by the said person or persons to whom the said lands and tenements, & other the premisses, shall be alened, conveyed, and assured as is aforesayd, within one Moneth after the said alienation of the premisses made, as aforesaid, to the onely use and behoofe of me the said A. B. my executors and assignes. And further, giving and granting to my said Atturney, my full power & authority in the premisses, to doe, execute, performe, fulfill, conclude, and finish, for me, and in my name and place as is mentioned, all and singular thing and things whatsoever shall be expedient & necessary concerning the premisses, as throughly, wholly, and surely as my selfe should doe, if I my selfe were there in my owne person present, ratifying and confirming by these presents, whatsoever my said Atturney shall doe, or suffer to be done, in, and about the premisses in my behalfe, for me, and in my name. In witnesse &c.

A Letter of Atturney generall touching lands.

Sect. 533. VNiversis Christi fidelibus &c. P. H. de R. in Comit' E. yeoman filius & hæres R. H. defuncti dum vixit de G. in comitatu præd' yeoman, salutem in dom'sempiternam. Noveritis me præf. P. fecisse, ordinasse, constituisse, & loco meo posuisse dilectum mihi in Christo T. B. meum verũ & legitimũ Atturnatum, ad prosequendum, implacitand', & defend' vice & nomine meo, & pro me in omnibus & singulis curiis & placitis,

ac

ac coram quibuſcunque Judicibus & Juſticiar̃, verſus omnes & ſingulas perſonas, erga quas vel quam aliqua actio, tam realis quam perſonalis mihi quoviſmodo dat jus, ſectam aut defenſionem, per legem, de, & pro omnibus illis terris & tenementis meis cum ſuis pertiñ univerſis vocat̃ W. ſituatis, jacentibus, & exiſtentibus in villis & campis de C. præd̃ quæ mihi dicto P. jure hæreditario deſcendebant, per & poſt mort̃ præd̃ R. patrsmei, & quæ in præſentia a̅ me injuſtè detinent̃: Nec non omnia dicta terras & tenement̃ cum ſuis pertiñ, vice & nomine meo ad intrand̃, ac plenam & pacificā poſſeſſionem & ſeiſiñ, de & in eiſdem, pro me, & nomine meo capiend̃: ac omnes & ſingulas perſonas quaſcunque firmaros ſive occupatores eorund̃ abinde expellend̃ & amovend̃, & ſuper hujuſmodi poſſeſſione ſic capta & habit̃, omnia dicta terras & tenement̃ cum pertiñ ad uſum dicti T. cuſtodiend̃, gubernand̃, occupand̃ & miniſtrand̃. Dando & per præſentes concedendo præd̃ Atturnat̃ meo, plenā & integram poteſtat̃ meam, authoritatem & mandatum ſpeciale præd̃ perſonas et earum quamlibet, occaſione injuſtæ detentionis, cuſtodiæ vel occupationis præd̃ terrarum et tenementorum cum pertiñ, aut alicujus inde partis ſeu parcell' attachiand̃, & arreſtari faciend̃, ac coram Judicibus & Juſticiariis prædict̃, comparere faciend̃ & producend̃, ac verſus ipſas perſonas, & earum quamlibet occaſione præd̃, omnes & ſingulas actiones, ſectas, placita & proſecutiones, licita, requiſita & neceſſaria in cur̃ præd̃ ubicunque videbitur opportunū fore, vice ac nomine meo levand̃, affirmand̃, capiend̃, et atturnand̃, et eas vel ea ſecund̃ juris & exigentiam, cum quibuſcunque inde circumſtantiis interplacitand̃ et proſequend̃, ac jus et titulum meum præd̃ coram præd̃ Judicibus & Juſticiariis declarand̃, exponend̃, & notificand̃, dictaſque perſonas et earum quamlibet per legis vigor̃ arreſtand̃, impriſonand̃, et condemnari faciend̃ ac extra priſonam deliberand̃: Nec non damna et expenſas in ea pte habit̃ et habend̃ de ipſis perſonis et earum qualibet recuperand̃, & recipiend̃. Et de receptis et recuperatis, ac ſuper finem &c. **As in other.**

A Letter of Atturney to ſue for lands and goods.

THis Bill &c. made &c. Betweene &c. Witneſſeth, that whereas the ſaid J. L. by his writing obligatory, bearing date &c. hereof ſtandeth bounden to the ſaid M. in xl. li. &c. with condition thereunto indorſed, as thereby appeareth, the ſaid M. in conſideration thereof hath conſtituted &c. in her place put the ſayd J. her true and lawfull atturney irrevocable, to demand, ſue for, recover, receive, obtaine, and get in her name and ſtead to his owne uſe, without any account thereof to be made or rendred unto the ſaid M. her executors or adminiſtrators aſwell all ſuch lands, tenements, Sect. 534.

tenements, and hereditaments, which thee the said D. should or ought to have for her dower or joynture, of any lands tenements, or hereditaments, which were the inheritance of the said W. L. except one messuage &c. As also all such goods and chattels as the said D. ought to have for her part, of all the goods and chattels which were the said W. L. at the time of his death, other then such goods and chattels as thee the said D. now hath received, and the third part of al such debts as were due to the said W. L. at the time of his death. And the said D. doth by these presents give and grant unto the said J. L. her full and whole power in the premisses (except before excepted) to arrest, sue, declare, implead, imprison, and release, any person and persons, for, or by reason of the same premisses, or any part thereof, (except before excepted) at the costs and charges of the said J. L. and thereof and therefore in her name to release, acquite, compound, and agree with any person or persons: And also to doe, finish, and execute, all & every other thing and things, which shall bee requisite or necessary, in, or about the premisses, or any part thereof, (except before excepted) so fully and wholly as if the said D. should or might, or ought to doe, if she were personally present at the doing or executing of the same. And further, the said D. doth covenant &c. that thee the said D. shall and will allow, ratifie, affirme, performe, ratifie, and establish, all and every act and acts, thing and things, which the said J. L. shall lawfully doe or cause to be done in her name, in, or about the premisses or any part thereof (except before excepted) according to the true meaning hereof, at the costs and charges of the said J. L. And that the said D. shall not, nor will not at any time hereafter revoke or adnull this present Letter of Atturney, or the power and authority thereby given to the said J. In witnesse &c.

A Letter of Atturney to sue to a Court.

Sect. 535. PAteat universis per presentes, quod ego R. P. atturnavi, & in loco meo constitui I. meum Atturnatum, ad sectam nomine meo faciend' ad curiam Decani & Capituli Ecclesiæ beatæ M. Linc' de C. juxt' tenorem brevis regis, ballivis prædict' Decani & Capituli curiæ suæ prædict' inde direct'. Ratum habiturus & gratum quicquid idem I. nomine meo fecerit in &c. Dat' &c.

A Letter of substitution where the Atturny maketh a deputy under him.

Sect. 536. VNiversis &c. S.F &c. Cum T. I. &c. per quoddam script' suum de Atturnat' fecerit, ordinaverit, constit' et in loco suo posuerit me præf. S. suũ verum et legit' Atturn', ad petendum &c. vice et nomine dicti I. et ad meum proprium usum de H. C. x. li. in quibus dict' H. per obligation'

tion' ſuã præſ. I. tenet' & obligat' dictuſq; A. perdict' ſcript' ſunm de Atturn', dederit & conceſſerit mihi præfato S. Atturnato ſuo, plenã & integrã poteſtatem ſuã & authoritat' in præmiſſis ad faciend', agend', proſequend', &c. & de recept' & recuperatis, & ſuper finem & concordiam acquietand', ſeu alias exonerationes nomine dict' I. cõponend', ſigilland' & deliberand', Et atturnatos alios, unum vel plures, ſub me conſtituend', & revocand', prout in eod' ſcript' de atturnat' inde confect' plenius continet'. Noverit' me præf. S. vigor' & authoritat' dict' ſcript' de atturn' mihi ſic fact', ordinaſſe, poſuiſſe, &c. E. N. meum ver' & legitim' ſubſtit' ad petend' &c. ad uſum, commodum & proficuum dict' E. de præfat' H. x.li. Necnon omnia alia & ſingula in præmiſſ: & circa ea neceſſar' ad faciend', exigend', expediend' & finiend', adeo plene & integr', ſicut ego prædict' T. vigore antedicti ſcripti atturnat' facere poſſem ſeu deberem ſi præſens perſonalit' adeſſem. Ratum & grat' &c. In cujus &c.

A revocation of a Letter of Atturney.

VNto all Chriſtian people to whom this preſent writing ſhall come A. W. &c. widow ſendeth greeting: Whereas I the ſaid A. upon truſt and confidence which I had in E. W. my ſonne, did by my Letter of Atturney conſtitute and make the ſaid E. my Atturney, Bailife, Factor, and Solicitor generall in, for, and of all and ſingular my goods chattels, debts, duties and demands, lands, tenements, and hereditaments whatſoever, And did give him further authority and power to deale for mee, as by the ſaid writing to him made more at large appeareth. Now know you mee the ſaid A. W. for that the ſaid E. W. hath uſed himſelfe by colour of the ſaid authority to him given greatly both to my diſcomfort and hinderance, and otherwiſe than my truſt and confidence was in him, To have revoked, countermanded and made voyd and by theſe preſents doe revoke, countermand and make void the ſaid Letter of Atturney, and all the power and authority of the ſaid E. W. to him given aſwell by the ſaid writing as by any other meanes whatſoever, whereby he can or may pretend to have any kind of doing or dealing for me or in my name touching any thing that is mine. In witneſſe &c. Sect. 537

Warrants of Atturney.

A Warrant of Atturney to make leaſes not exceeding xx. yeares.

TO all the faithfull of Chriſt to whom this preſent writing indented ſhall come, A. B. ſendeth greeting in our Lord God everlaſting, Sect. 538.

I t know

know that I the said A. B. have ordained, constituted & appointed D. C. my true and lawfull Atturney, and by these presents doe give unto the said D. C. full power and authority for me and in my name by writing indented or by severall writings indented, to demise, grant, and to farme let, all those my messuages &c. set, lying or being in the County &c. or in any of them, or any of the premisses, as to the said D. C. shall seeme meete and convenient, to such person or persons, & during such terme of yeares, so that the said lease or leases doe not exceed the number of twenty yeares, with such reservations of rents, covenants, grants, agreements, and conditions to be contained in the said severall writings indented as to the said D. C. shall be likewise thought most meete and convenient: and also in my name to seale and deliver as by deed, and the one part of all and every such writings indented as to the said D. C. in my name shall be in forme afore rehearsed, to and for my use with him to retaine and keep. And I the said A. B. my heires and assignes shall at all times hereafter ratifie, confirme, and allow all and every act and acts, thing and things which the said D. C. in my name shall doe in the premisses. In witnesse &c.

A Warrant of Atturney to deliver a lease upon the ground.

Sect. 539. TO all Christian people &c. to whom &c. W. A. of H. in the county of D. Esquire, send greeting. That whereas I. the said W. have made and sealed one writing indented purporting a lease to be made unto P. S. &c. of all the tenement with the appurtenances in C. within the Mano^r of C. within the parish of E. in the county of D. And of all houses, buildings, lands, tenements, meadowes, pastures, woods, underwoods, commons and waste, and all other hereditaments, with the appurtenances, of the same tenements belonging or appertaining &c. within either of the words of the lease. To have and to hold &c. as by the same writing indented, bearing date &c. more plainely doth and may appeare. Know ye now that I the said W. A. have ordained, made, constituted, and assigned my welbelov'd B. P. my true and lawfull atturney, to enter for me, and in my name and stead, into the fore-recited premisses with the appurtenances, & thereupon for me, and in my name and stead, to deliver th'one part of the said writing indented, sealed with my seale, unto the foresaid P. S. as my very act and deed, upon every parcell of the premisses aforesaid, in the name of the whole in the said writing contained, and thereupon to receive, & accept for me, and in my name, from the said P. S. the counterpane of the writing indented to my use, ratifying and allowing all & every act & acts, thing and things, whatsoever my said atturney shall doe, or cause to be done, in, and about the premisses, in as ample manner, and as fully and wholly, as though I my selfe had beene there present in my owne person. In witnesse

witnesse whereof I the said W. A. to this my present writing have put to my seale &c.

A Warrant of Atturney to deliver and receive writings.

BE it knowne unto all men by these presents, that I. L. of W. in the County of C. the elder, have authorized, deputed, and in my place have put my beloved I. D. as well to receive for me, and in my name, one deed indented, made by H. S. of C. of all the lands and tenements which were of the inheritance of H. S. father to the said H. in P. A. D. C. and W. together with the possession of all the same lands. As also to seale & deliver for me, and in my name, one deed indented tripartite, made of all the foresaid lands, to the foresaid H. S. with divers remainders over, as in the same deed more plainely appeareth. And also to doe all and every thing and things, in and about the same, as shall bee thought expedient, as fully, and in as large manner, as though I the said I. L. were personally present. In witnesse whereof to this my present writing, I have set my seale and subscribed my name, the day of &c. in the yeare of the reigne of our soveraigne Lord. Sect. 542.

A Warrant of Atturney to receive possession.

TO all Christian people to whom this present writing shall come, A. B. of L. in the County of P. Esquire, sendeth greeting in our Lord God everlasting. Know yee that I. the said A. for divers and sundry good, sufficient, and reasonable causes mee thereunto specially moving, have authorized, constituted, ordained, and in my place put my well beloved in Christ R. P. of N. in the County of P. gent. my faithfull and undoubted Atturney, to enter for me, and in my name, into the messuage of N. and into all and singular lands, tenements, closes, meadowes, feedings, and pastures, and all other appurtenances thereunto belonging, in the County of P. late parcell of the possessions of the late dissolved monastery of W. in the said County of P. which I the said A. have of the lease and demise of R. T. of T. in the said County of P. and the possession of all and singular the premisses, to take for me, and in my name, and to my use and behoofe: And the possession thereof taken, and had, to retaine, hire, set, place, and appoint one Bailife or Overseer, into, and upon the said messuage, and other the lands, and tenements with their appurtenances aforesaid. And also all other servants, or labourers, necessary for the sure keeping, occupying, manuring, & tilling of the premisses, and every parcell thereof, for the most availe, commoditie, & advantage of me the said A. ratifying, approving, & confirming whatsoever my said Atturney shall doe in the premisses, or any of them. And allowing all and every act and acts, so done by the said Attur- Sect. 541.

ney, to be as effectuall and sufficient in law, concerning the premisses, or any part thereof against me or any other person or persons, as I my self were present, and had done the same. In witnesse &c.

A Warrant of Atturney to release a prisoner.

Sect. 542. TO all Christian people to whom &c. H. D. of A. in the County of G. gent. and R. H. of B. in the said county yeoman, send greeting in our Lord God everlasting. Whereas R. D. of H. in the county aforesaid Esquire, administrator of the goods and cattels of P. D. knight, his father deceased, by his sufficient writing, bearing date the day of &c. hath given unto us the said H. and R. by the names of his well beloved kinsman H. D. servant to the right honourable Sir R. S. knight and his servant R. H. his true and lawfull Atturnies, and to either of us joyntly and severally, full power and authority for him, & in his name, to release, discharge, remit, and inlarge one W. H. late of H. in the said county of C. Esquire, who lyeth prisoner in the Fleete, and so hath continued by the space of these &c. yeares, being committed to the same prison, by the late Lord W. then Chancellor of &c. for that the said W. H. refused to stand to the order of the said L. W. concerning a statute merchant, knowledged before the time by the the said W. unto the said P. D. before the Maior of the city of C. for the time being: And further to doe all and singular act and acts, thing and things whatsoever it were, for and in the name, and behalfe of the said R. D. either before the Lord Chancellor of England, or before any other Justice or Justices, within this Realme, that may be thought convenient, expedient, or necessary for the inlargement, or releasement of the said W. H. as if the said R. D. had been present in person himselfe, to doe, execute, and conclude the same: allowing, ratifying, and confirming for him, his heires, executors, and administrators, whatsoever we the said H. & R. should doe in the premisses, absolutely without condition, to all intents & purposes, as by the same writing more plainely doth and may appeare. Now know ye, that we the said H. D and R. H. upon due consideration had of all things, touching or concerning the premisses, have by force of the said letter or writing of Atturney and by vertue and authority of the same, for and in the name of the said R. D. released, discharged, and remitted, & by these presents doe release, discharge, and remit the said W. H. not onely of the said statute Merchant, and of all executions, suits, quarrels, debates, and demands concerning the same, and of all other debts, suits, quarrels, debates and demands, that the said R. D. hath or may have against the said W. H. for & concerning the said statute, but also wee the said H. G. and R. H. for and in the name of the said R. D. are contented and agreed, that the said W. H. shall be dismissed and discharged out of the

the priſon of the ſaid Fleet, and ſet at his full liberty, and not be detained there any longer, neither for, or concerning the ſaid ſtatute, or by force of the ſaid order, or commandement of the ſaid late Lord W. or for any other matter or cauſe whatſoever, that is depending betweene the ſaid R. D. & the ſaid W. P. before the date of theſe premiſſes. In witneſſe &c.

A Warrant of Atturney to proſecute all actions, &c.

THis Indenture &c. Betweene I. S. of D. of the one party, and I. D. of C. of the other party, Witneſſeth, that the ſaid I. S. hath conſtituted, made or ordained, and by theſe preſents doth conſtitute, ordaine and make the ſaid I. D. his lawfull and generall Atturney from henceforth to commence, bring, ſue and proſecute for him and in his name all manner of actions, as well reall, as perſonall, as well writ, bill, plaint, or otherwiſe in any Court or Courts of Record, Court of requeſts, or in any other Court or place whatſoever within this Realme of England, & the ſame actions and ſuits and every of them to proſecute and follow, for, and in the name of the ſaid I. S. in as large and ample manner as the ſaid I. S. might doe if the ſame were by him in proper perſon commenced, ſued, or taken. And further the ſaid I. S. by theſe preſents doth alſo conſtitute, ordaine, & make the ſaid I. D. his lawfull and generall Atturney to appeare, make anſwer and to defend for him, and in his name in all manner of Actions & Suits whatſoever they be, which is, or at any time hereafter ſhal be commenced, ſued or taken againſt the ſaid I. S. by any perſon or perſons whatſoever, and all things that the ſaid I. D. ſhall doe or make as Atturney unto the ſaid I. S. the ſaid I. S. by theſe preſents doth ratifie and approve the ſame to be his very actuall Deed. And further the ſaid I. S. doth conſtitute, make, authorize, and appoint the ſaid I. D. to be his generall Steward of all his lands, tenements, and hereditaments in the counties of E. D. and E. or elſewhere within the realme of England, to uſe and occupy the ſaid Office of generall Steward by himſelf, or by his ſufficient deputies, during the pleaſure of the ſaid I. S. And the ſaid I. S. doth alſo by theſe preſents give full power and authority unto the ſaid I. D. and ſuch deputy & deputies as the ſaid I. D. hereafter ſhall name & appoint, to receive & take, & to admit one tenant or tenants by copy of Court Roll, according to the cuſtoms of the Manors aforeſaid, or any of them, & alſo to tare & aſſeſſe any fine or fines upon tenant or copiholder of the ſaid manors, lands, and tenements, or any part or parcel thereof upon any intreſt, cauſe of forfeiture, ſurrender, or for the breach of any condition or otherwiſe by any unlawful way or meanes whatſoever. And what thing the ſaid I. D. his deputie or deputies ſhall doe, for and in the name of the ſaid I. S. in executing & doing of the premiſſes appointed unto the office of the general Steward, the ſaid

Sect. 543.

I.S. doth ratifie and approve the same to be his owne actuall deed, and the said I.S. for him and his heires by these presents doth also give full power & authority unto the said I.D. from time to time hereafter to demise, set, and let to farme for and in the name of the said I.S. such part and parcell of his said manors, lands, and tenements, as to the said I.D. shall seeme meet and convenient to be demised & letten to farme to any person or persons for and during the terme of yeares from the making of such lease and demise, & not above, reserving upon any such lease and demise such yearely rent, and taking such fine for the same to the use of the said I.S. as the said I.D. shall thinke meet & convenient to be payd & reserved for the same. And the said I.S. doth further constitute, ordaine, and make the said I.D. to be his Receiver generall of al his lands, tenements, rents, reversions, profits, debts, and summes of mony, whatsoever they be, or which hereafter shall or may in any wise be due unto the said I.S. And that the said I.D. by these presents shall have full power and authority to receive & take to the use of the said I.S. at the hands of all and every the tenants, farmors, bailifes, and debtors, of the said I.S. all and every such summe or sums of money as now is, or that hereafter by any way or meanes shall be due to the said I.S. And the said I.S. doth further authorize the said I.D. by these presents, and to him doth give ful power and authority, that he the said I.D. upon receipt of any summe or summes of money, so by him hereafter to be received, shall and may make such lawfull discharge for the same, by deed, release, or acquitance, in the name of the said I.S. or else by delivering or cancelling of any writting Obligatory or by any other wales or meanes, as by the same I.D. from time to time shall be thought meete and convenient to be had made, and done. And whatsoever deed or deeds, release, acquitance, or other discharge, which the said I.D. shall make, seale, and deliver for cancelling of any writing Obligatory, or by any other way or meanes, as by the said I.S. from time to time shall be thought meete and convenient to bee had, made, or done, and whatsoever deed or deeds, release, acquitance, or other discharge, which the said I.D. shall make, seale or deliver, for, & in the name of the said I.S. touching, or in any wise concerning the premisses, the said I.S. for him, his executors & administrators doth by these presents from time to time ratifie, approve, & confirme the same to be his lawfull act and deed. And the said I.S. doth further authorize the said I.D. by these presents, that the said I.D. shall and may from time to time hereafter take accompt of all and every his tenants, farmors, bailifes, rentgatherers, and other Officers of the said I.S. whatsoever they be, of, and for the rents, revenues, & profits, or sums of money by them, or any of them, received to the use of the said I.S. or which they or any of them shal hereafter receive to the use of the said I.S.

And

And that he the ſaid I.D. upon every ſuch accompt ſo by him to be taken, or by the receit of any ſuch rent, profit, or ſummes of money by him to bee had by the hands of the ſaid farmors, bailifes, tenants, rentgatherers, or other officers to the uſe of the ſaid I.S. ſhall and may by vertue hereof give unto every ſuch farmors or bailifes, of whom he ſhall take any ſuch accompt, or receive any ſuch rents, revenues, profits, debts, or ſummes of money, allowance, for and in the name of the ſaid I.S. of ſo much, and of ſuch part and portion of the ſaid rents, revenues, &c. as to the ſaid I.D. by his diſcretion ſhall be thought meet and reaſonable to be given and allowed, and that every ſuch allowance of every ſuch ſumme or ſums of money hereafter by the ſaid I.D. to be had, made, and given, ſhall bee as good and effectuall in the law, to all intents and purpoſes againſt the ſaid I.S. his executors and adminiſtrators, and every of them, as though the ſame allowance had beene had, made, and given by the ſaid I.S. in his owne proper perſon. And further the ſaid I.S. doth give full power and authority unto the ſaid I.D. at all and every time and times hereafter, to make payment and delivery, for, and in the name of the ſaid I.S. of every ſuch ſumme or ſummes of money as the ſaid I.D. by a letter or writing ſubſcribed with the hand of the ſaid I.S. ſhall be commanded, aſſigned, appointed, or required to pay or deliver either unto the ſaid I.S. or to any other perſon or perſons whatſoever they be. And the ſaid I.S. doth further grant by theſe preſents, that when and as often as the ſaid I.D. at any time hereafter ſhall make any payment or delivery out of his hands of all the ſaid rents, receits, & ſums of money hereafter by him to be received to the uſe of the ſaid I.S. or any part or parcel thereof by vertue or authority of any ſuch writing, or letter ſubſcribed with the hand of the ſaid I.S. That then the ſaid I.D. his executors or adminiſtrators, after ſuch payment and delivery of any ſuch ſum or ſummes of money, ſhall be thereof and of every part thereof cleerely diſcharged againſt the ſaid I.S. his executors and adminiſtrators by theſe preſents. And further, the ſaid I.S. for him & his heires by theſe preſents doth give full power and authority to the ſaid I.D. cleerely to bargaine and ſell all that his manor of S. in the County of L. and all other meſuages, lands, tenements, and hereditaments in S. aforeſaid, or elſewhere, in the ſaid County of L. or any part or parcell thereof, as the ſaid I.D. at any time or times hereafter ſhall think meet and convenient to be ſold, and for ſuch ſumme or ſummes of money, as the ſaid I.D. ſhall think meete to be taken for the ſame to the uſe of the ſaid I.S. And what bargaine, contract, or ſale ſoever the ſaid I.D. ſhall conclude and agree with any perſon or perſons of the ſaid manor, or any part or parcell thereof, the ſaid I.S. doth give his full conſent thereunto, and the ſame doth ratifie, approve & confirme by theſe preſents.

And further, the said I. S. doth constitute and ordaine the said I.D. to be his Surveyor of his manors, lands, tenements, and hereditaments what soever they be within the Realme of England, and doth give full power and authority unto the said I.D. to make such profit and commodity of the said manors, lands, tenements and hereditaments, and every part thereof as well in wood sales and selling of woods and underwoods, in, and upon the premisses, or any part thereof, and also by all other reasonable wayes and meanes which the said I.D. shall thinke most meete and convenient to be had, made, & done, for the profit and commodity of the said I.S. And moreover, the said I.S. doth give full power and authority unto the said I.D. by these presents, that he the said I.D. shall and may at all time and times, and from time to time hereafter, doe or make, or cause to be done or made, for, and in the name of the said I.S. all and every such act and thing whatsoever it be, which the said I.D. by any letter or writing subscribed with the hand of the said I.S. shall at any time hereafter be commanded, required, willed, or desired, to make, or do for the said I.S. And whatsoever act, deed or thing which the said I.D. shall at any time or times hereafter do or make, or cause to be done or made, for, and in the name of the said I.S. by force of any these presents, any such writing or letter, according to the effect, tenor and true meaning of these presents, the said I.S. doth ratifie, approve, allow, and confirme the same, and every act, thing, and deed whatsoever hereafter to be had, made, or done, to be his lawfull act and deed, and to be good and effectuall in the law, to all intents and purposes, to, and against the said I.S. his heires, executors, and administrators, by vertue of these presents.

A Warrant of Atturney to revoke administration.

Sect. 544. PAtet universis per præsentes, quod cum nobilis fœmina domina Eliz. relicta nuper prænobilis viri G. Comitis S. nuper Comitis Mareschalli Angliæ defuncti, administrat omnium & singulorum bonorum, jurium & creditor & catallor, quæ fuer dicti nuper prænobilis viri tempore mortis suæ, infra jurisdictionem Reverendissimi in Christo patris & domini I. providentia divina E. Archiepiscopi A. primatis & Metropolitani existent, ipsi præfat dominæ E. auctoritate dicti dom patris de facto committi, ipsamque administratricem eorundem bonorum & cæterorum præmissorum ordinari & constitui, procuraverit & obtinuerit: Nunc ego G. Comes S. filius & hæres dicti nuper prænobilis viri patris mei defuncti, dilectos mihi in Christo I.S. I. B.W. F. & E.F. notarios publicos almæ curiæ Consist' E. procuratores generales meos, certos, legitimos, & indubitat actores, factores, procuratores, negotiorumque meorum gestores & nuntios speciales ac generales ad infra script, no-

nomino, ordino, facio, & conſtituo per præſentes, Dans et concedens eiſdem procuratoribus meis conjunctim & eorum cuilibet per ſe diviſim & in ſolid', Ita quod non ſit melior condic' occupan', nec deterior ſubſequen, ſed quod unus eorum inceperit id eorum aliquis per ſe libere proſequi valeat pariter & finire, poteſtatem generalem & mandat' ſpeciale pro me, ac vice, loco et nomine meis, coram venerabilibus viris Mro I. B. legum doctore, & M. S. artium mro, tam almæ curiæ prærog. Archeipiſcopi E. cuſtodibus, magiſtris, ſive Commiſſariis, quã etiã Scaccarii dicti reverendiſſimi patris Commiſſar', ſeu eorum altero, vel eorum ſeu alterius eorum ſurrogato ſive deputato, aut alio judice in hac parte competen quoque cõparend & intereſſend, meque à perſonali comparitiõ in ea parte excuſandi: ac cauſam et cauſas abſentiæ meæ hujuſmodi allegand, proponend, probandi, dictamque adminiſtr' et literas deſuper fact' et obtent', poteſtatemq; quamcunque dictæ dominæ Eliz. in ea parte quomodolibet conceſſam & commiſſam revocari, caſſari, & ad omn juris & facti effect', annullari, ipſamque admiñ omn' & ſingul' bon' jur et creditor, & catallor nondum adminiſtr (quæ fuerunt dicti nuper patris mei defuncti tempore mortis ſuæ infra Provinciã E. exiſtent) ipſumq; et teſtamen ſive ultimam voluntatẽ ſuam qualitercunque tangen & concernen, mihi præf. G. conſtit, unà cum dicto teſtamen ſive ultima voluntate annex' : ac in complemen illius teſtamenti, ac juxta formam, effect, & intentionem ejuſdem diſponend decerni & committi, petendi, requirendi, & obtinend, juramentumque tam de fideli adminiſtr eorund bonorũ, jurium, creditorũ, & catallorum omnium et ſingulorũ quatenus ad manus noſtras pervenerint, ſive pervenire poterint, quam de fideli et pleno inventar, veroque pleno et fideli compot, calculo, ſive ratiocinio de eadem adminiſtr mea, ac bonis & cæteris præmiſſis pro loco & tempore congruis & opportunis reddend et exhibend pro me, ac in animam meam præſtand & ſubeund, ipſumq; inventarium & compot prædict exhibend' et reddend, ac me ab ulteriori compot', calculo, ſive ratiocinii in ea parte redditione finaliter dimitti, abſolvi & liberari petendi, beneficium inſuper abſolutionis à quibuſcunque ſuſpenc' excommunic' ſive interdictionis ſummis latis fiend mihi impend petend & obtinend. Quodcunque etiam juramen licitum et honeſtum in animam meam quoties & quando opus fuerit ſubeund' et præſtand. Et generalia omnia & ſingula alia faciend, exequend, procurand & expediend quæ in præmiſſis aut circa ea neceſſaria fuerint ſeu quomodolibet opportuna, etiã ſi mandat' de ſe magis exigant ſpeciale quã ſuperius eſt expreſſum. Promittoque me ratum gratum & firmum perpetuo habiturum totum & quicquid dicti procuratores mei conjunctim vel diviſim in præmiſſi, ſeu eorum aliquis fecerit aut fecerint ſub hypotheca et obliga-

obligatiõ omnium & ſingulor̃ bonor̃ meorum, & cautionẽ in ea parte expono per præſentes. In cujus rei teſtimonium (quia meum non eſt authenticum) ideo ſigill' capituli eccleſiæ collegiatæ beatæ M. de S. in com̃ M. quo ad cauſas utuntur, præſentibus apponi procuravi. Et nos capitulum antedictum ad petitiõ partis dicti prænobilis viri domini G. comitis S. conſtituent̃, ſigillum noſtrum prædict' præſentibus apponi fecimus. Dat̃ &c.

Adminiſtration granted by the Archbiſhop of Canterbury upon renuntiation, th'inteſtate having goods in divers Dioceſes.

Sect. 545. IOhann' providentia div' Cant̃ Archiep̃ totius Angliæ prim̃ & Metropolitanus dilect' nobis in Chriſto prænobil' viro domin' G. com̃ moderno S. filio naturali & legitimo div G. nuper comitis S. & com̃ Mareſchalli Angliæ præcl arique ordinis garterii militis def. Salutem. Com̃ idem dominus G. def. habens dum vixit & mortis ſuæ tempor̃ bona, jura ſive credita in diverſis dioceſib. ſive Juriſdictionibus ſuum, dum egit in humanis, ritè & legitimè condiderit teſtamentum ſuum in ſe continens ultimam voluntatem, in quo ſive qua E.T. & H.T. armiger' filios ſuos naturales et legitimos nominaverit, ordinaverit, fecerit & conſtituerit executores. Qui quidem executor̃ ex certis cauſis animos ſuos in hac parte juſte movent̃ oneri execut̃ dict' teſtament̃ expreſſè renunciaverint. Cujus ptextu omnium & ſingulor̃ bonor̃, jurium & creditorum antedict' def. plenaria diſpoſitio adminiſtrationiſque eorundẽ Commiſſio, Necnon compi, calculi ſive ratiocinii adminiſtrationis hujuſmodi auditio finaliſque libertat̃ ſive dimiſſio ab eadem ad nos ſolum & in ſolidum & non ad alium nobis inferiorem judicem notorie dignoſcuntur pertinere. Nos vero affectantes ut bona, jura & credita dict' defuncti bene ac fideliter adminiſtrentur, dictumq; teſtamentum perimpleatur, ſuumq; debitum ſortiat̃ effectum, Ad adminiſtrand̃ igit̃ bona, jura et credita hnjuſm̃ juxt̃ tenor̃ & effectum teſtamenti ſuprad̃ pſentibus annex' ac bene & fideliter diſponend̃ de eiſd̃, Necnon credita quæcunq; dict̃ def. petend̃, colligend̃, levand̃ et exigend̃ q̃ ad eundem def. dum vixerit & mortis ſuæ tempore pertinuerunt, Ac primo de ſolvend̃ æs alienum in quo idem def. hm̃di mort̃ ſuæ tempore extitit obligatus, deinde legata in dict̃ teſtament̃ pſentibus (ut pfertur) annex' contenta & ſpecific ata, quatenus bon̄, jur̃ et credita ſua hm̃di ad hoc extendant, juxta ratam eorund̃: Tibi de cujus fidelitat̃ in hac parte confidimus de bene & fidelit̃ adminiſtrand̃ ead̃, Ac de pleno et fidel' inventor̃ omnium et ſingulor̃ bonor̃, jurium et creditorum hm̃di conficiend̃, Et illud in curiam ſprogativæ nr̃æ Cant̃ ſecundo die poſt feſtum

Aſcen̄

Aſcēn domini noſtri proxim' futur' exhiben'. Nec non de pleno & vero Compo, calculo ſive ratiocinio in ea parte reddend' ad ſancta dei Evangelia in perſon' mri G. C. notarii publici procurat' tui in hac parte legitim'conſtitut' jurat. plenā tenore pſentium committ' poteſtatem. Teq; adminiſtrator omnium & ſingulor bonor, juriū et creditorum hmdi ordinavimus, deputamus, et conſtituimus per pſentes. Dat' London' 23. D. Anno 1560. Et nr̄æ tranſlation' An. 8.

A Letter of Atturney to exhibite a Will and Inventorie and take adminiſtration and accompt.

PAteat univerſis per præſentes q̄ ego dominus G. Comes S. ac filius naturalis et legitimus domini G. nuper Comitis S. defunct' habentis dum vixit et mortis ſuæ tempore bon. jur̄ ſive credita in diverſis dioceſ. ſive juriſdictionibus, dilectos mihi in Chriſto I. L. T. W. E. F. et C. et G. C. notarios publicos almæ Cur̄ Cant' de Arch. Lond' procuratores generales meos veros, certos, legitimos, et indubitatos procuratores, actores, factores, negotiorumq; meor̄ geſtores et nuncios ſpeciales ordino, facio, et conſtituo per præſentes: Doq; et concedo eiſd' procuratoribus meis conjunct' et eorum cuilibet per ſe diviſim poteſtat' general. et mandat' ſpeciale pro me et nomine meo coram Cur̄ prerogat' Cant' mag. cuſtod' ſive commiſſario ejuſdem ſurrogato aut alio Judice in hac parte competenti quocunq; comparendi meq; à perſonali comparition' excuſandi, ac com. et cauſas abſent. meæ hmdi allegand', proponend. et proband', teſtamentumq; ſive ultimā voluntat' dicti def. in ſcript' reduct' exhibendi, et adminiſtr' omnium et ſingulor bonor, jur̄ et creditor ejuſd. def. una cum teſt. et ultima voluntate hujuſm. annex. mihi committi petend. et obtinend. juramentumq; tam de fideli adminiſtrat. omniū et ſingulor bonorū, jur̄ et creditor hujuſm. per me obeund', quam de fidel. Inventario, Nec non plano et vero comp̄, calculo et ratiocinio omn' et ſingulor bonorū, jur̄ et creditorū hujuſm. per me reddend. et exigend. pro loco et tempore congruis et opportunis in an'am meā ſubeund. et pſtand'. Inventariū etiam, compotum, calculū ſive ratician. hujuſm. nomin'meo exhibend. et introducend', ac me ab ulterior comp̄ bonorum, jurium et creditor hujuſm. redditione dimitti petend. et obtinend. beneficium inſuper abſolutionis à quibuſcunque ſuſpicionis, excommunicationis, vel interdict' ſ̄nīis in me qualitercunque latis mihi impendi, petend', et obtinend', et qdcunq; juramt' de jure in ea pte requiſit' in annam meā pſtand' et ſubeund'. Et general' omn. et ſingul. alia faciend', exercend', et expediend', quæ in p̄miſſis, aut circa ea neceſſaria fuerint, ſeu quomodolibet opportuna, etiamſi mandat' de ſe magis exigant' ſpeciale, quam ſuperius eſt expreſſum. Promittoque me ratum, gratum, et

Sect. 546.

& firm' perpetuo habiturum totum & quicquid dicti procuratores mei fecerint, seu eorum aliquis fecerit in hac parte sub hypotheca & obligatione omnium & singulorum bonorum meorum, & in ea parte cautionem expono, per præsentes. In cujus rei testim' sigillum exemptæ jurisdictionis præbendarii Præbend' de B. præsentibus apponi procuravi. Et nos præbendarius antedictus ad specialem rogatum dict constituen' sigill' nostrū hujusmodi præsentibus apposuimus. Datum xxiiii. die mensis Decembris Anno dom' &c.

Licences.

A Placard or Licence for a Crossebow.

Sect. 547. ELizabeth &c. To all manner our Officers, Ministers, and subiects, of what estate, degree, or condition soever they be, these our letters hearing, seeing, & to every of them greeting. Albeit that by the authority of our high Court of Parliament it is ordained and enacted, that no manner of person upon certaine penalty shall without our speciall licence, use or occupy any Crossebow within this our Realme, except he be a Lord, or that he or any other person or persons to his use have lands of freehold to the yearly value or extent of one hundred pounds, above all charges and reprises, as in the said Act it is expressed more at large: Yet we nevertheless, of our grace speciall for certaine causes and considerations us moving, have by these presents licenced our welbeloved I. W. to occupy and exercise his Crosse-bow at his liberty, without any penalty or forfeiture sustaining in that behalfe: the said act or any other acts heretofore made or passed to the contrary notwithstanding. Wherefore we will and command you and every of you, to permit and suffer the same I. to use and enjoy the whole effect of this our licence without any your disturbance or interruption to the contrary. Provided alwaies, that under colour hereof, he in no wise use his Crosse-bow within our Forests, Parkes, or Chaces, to the diminishing of our Meere or game within the same: upon penalty of the Statute in such case provided & ordained. Given under our signet the &c.

Another Placard for a Crossebow.

Sect. 548. ELizabeth &c. (*ut supra*) greeting. We let you to wit, that by these presents we have licenced our welbeloved subiect N. not onely to occupy and exercise shooting in his Crosse-bow in al places from henceforth at his liberty: but also to have, keepe, and retaine the same in his house, or elsewhere at his libertie and pleasure, without any penalty or forfeiture sustaining in that behalfe. Wherefore we will and command you &c.

A Licenſe for Apparell, and to ſhoot in Croſſebowes and Handguns.

REgina &c. Sciatis quod nos de gratia noſtra ſpeciali, ac ex certa ſcientia et mero motu noſtr. conceſſimus et licentiam dedimus W.B. armigero, qnod ipſe durante vita ſua ad libitum et voluntatem ſuam uti, exercere, et gaudere quibuſcunque veſt', apparat', et cathen': Necnon ſagittare in quibuſcunque arcubus vocat' **Croſſebowes**, ac in bombardis vocatis **Handgunnes**, et eas cuſtodire tam in domibus, et aliter, ſicut aliquis legeus noſtr', terras et tenementa habens ad annuum valorem centum librar' ad terminum vitæ, exercere, ſagittare, cuſtodir', et gaudere, licitè et impunè valeat et poſſit, abſque aliqua forisf. pœna, ſive depardito, et abſq; perturbatione, moleſtatione, inquietatione, impedimento ſeu gravamine quocunq; : aliquibus ſtatutis, proviſionibus, ſive reſtrictionibus inde fact', editis, ordinat' ſive proviſis non obſtantibus. In cujus rei teſtimon' has literas noſtras fieri fecimus patentes. Teſte me ipſa apud Weſtm. &c. Sect. 549.

A Licenſe to retaine men.

REx omnibus &c. Sciatis qd nos de gratia noſtra ſpeciali, ac ex certa ſcientia et mero motu nr̄is dedim' et conceſſimus, ac p p̄ſentes damus et concedim' dilect' et fidel. nr̄o T.N. Militi, uni Julticiar' noſtror̄ de communi banco, hanc libertat̄ qd ipſe durante vita ſua ad placit' ſuum de tempore in tēpus legitimè et impunè retinere poſſit xx. homiñ quoſcunq; p aliq; ſcript', ſacram̄, promiſſion̄ ſive aliquo alio mod. quocunq; & eiſd. xx. hominibus dare poſſit xx. liberatas panellor̄ vel ſigna vel Bageas, cuicunq; qui de ipſo habere voluerint eaſd̄ liberatas, ſigna vel Bageas, ſive aliqua ſeu aliquas ad ipſum ſervienḋ, licet non ſint nec fuerint, nec ſit nec fuerit, ballivi ſeu ball' ipſius T.E. Et etiam licet non ſint nec fuerint, nec ſit nec fuerit cum ipſo T.E. retentus ad ipſum ſervienḋ in hoſpitio ſuo ſive aliter, et eiſd. xx. hominibus concedimus et eor̄ cuilibet authoritatem et poteſtat̄ recipiend. et utend. eiſd. liberat̄, ſign. vel Bageis. Habenḋ, tenenḋ, & gaudenḋ p̄d̄ libertat̄ & authoritat' pro termino vitæ ſuæ, abſq; impedimento, interruptione, moleſtatione inquietatione, actione, vel punitione nr̄, aut hæred. nr̄orum, ac miniſtror̄ & ſubditor̄ noſtror̄ quorumcunq; & abſq; aliqua forisfactur̄ ſeu indēpnitate ipſius T.E. pro exercitio, occupatione, ſeu factione p̄miſſor̄: Aliquo ſtatut', actu, ordinatione, proviſione, ſeu reſtrictione in contrar̄ ante hæc tempor̄ facto, edito, ſive proviſo in aliquo non obſtante, aut aliqua alia cauſa vel materia quacunq; non obſtante. Eo qnod expreſſa mentio de- Sect. 550.

de certitudine præmissor', aut de aliis donis sive concessionibus per nos præfat' T. ante hæc tempora factis in præsentibus minime facta existit, aut aliqua alia re, causa vel materia quacunque non obstante. In cujus &c.

per ipsum Regem & de dato prædicto &c.

A Licence to weare a cappe.

Sect. 551. ELizabeth &c. To all manner our subiects, aswell of spirituall preheminence and dignity, as of temporall authority, these our letters hearing or seeing, and every of them greeting. Forasmuch as wee be credibly informed, that our welbeloved T. P. for divers infirmities which hee hath in his head, cannot conveniently without his great danger be discovered of the same: we let you to wit, that in consideration thereof, we have by these presents licenced him to use and weare a bonet at all times, aswell in our presence as elswhere at his liberty. Wherefore will and command you and every of you, to permit and suffer him so to do, without any your challenges or interruptions to the contrary. Given under our signet at our palace at W. the xx. day of P. in the &c.

A Licence to be absent from the parliament.

Sect. 552. TRustie and welbeloved, we greet you well, and forasmuch as we be informed that ye by reason of your age, impotency, and other sickness cannot conveniently without great danger, travell nor labor to our high court of Parliament: Wee therefore in consideration hereof licence you by these presents to take your ease, and to be absent from our said Parliament during the continuance or prorogation of the same, Any act, statute, or ordinance heretofore made to the contrary notwithstanding. Given &c.

A Licence to be non resident.

Sect. 553. HEnricus octavus Dei gratia Angliæ, Franciæ & Hiberniæ Rex, fidei defensor, ac sub Christo in terr' ecclesiæ Anglican' & Hibern' supremum caput, omnibus ad quos præsent' literæ pervener' Salut'. Sciat' quod de gratia nostra speciali, dedimus ac concessimus, ac per præsentes damus & concedimus pro nobis & hæredibus nostris, dilecto subdito nostro domino W. B. clerico vicario perpet' vicariæ perpetuæ sive ecclesiæ parochial' de G. in comit' nostro E. Lond' diocesis, ut ipse liber' & licit' valeat post hæc quocunq; tempore, & quamdiu sibi placuer' se absentare a dicta vicaria perpet', seu benefic' suo de C. prædict', nec teneatur quovismodo in dict' beneficio suo corporalem facere residentiã, aut personaliter

ſonaliter reſidere, quamvis authoritate vel mandato invitus compelli poſſit vel cogatur, & hoc abſq; perturbatione, vexatione, moleſtatione, vel contradictione aliqua, noſtr', hæred', offic', ſeu ſubditorum noſtrorum quorumcunque, ſtatuto de reſidentione cleric' de, & ſuper beneficiis ſuis in parliamento noſtro tento apud Weſtm' ann' regni noſtri 21. aut aliquo alio ſtatuto, actu, ordinatione, re, cauſa, vel materia quacunq;, in contrar' edit' in aliquo non obſtante &c. In cujus &c.

A Licence to Brew.

WHereas A. Y. of W. in the county of D. Husbandman, hath come before us sir G. F. Knight, and F. R. Serieant at Law, two of the Qu. Maiesties Iustices of Peace within the said County, and bound themselves in a Recognisance with sufficient sureties, to Brew, to sell, & keepe a common Alehouse, according to the Statute of Brewers, made in the first yeare of the reigne of our late Soveraigne Lord & King Edward the first. Now know you us the said sir G. and F. R. to have licenced the said A. Y. to brew, to sell, and keep a common Alehouse, according to the said Statute. Given under our hands the thirteenth of I. in the 36. yeare of the reigne, &c. Sect. 554.

A Licence to keep a Wine Taverne.

THis Indenture tripartite made &c. Between R. C. of W. in the countie of C. gentl. deputy & assignee of E. Y. esquire, to execute for him, and in his name, the effect of certaine authorities to him given, by certaine letters patents hereafter mentioned on the one party, and I. D. vintner of R. in the county of Y. of the other party, Witnesseth, that whereas our said soveraigne Lady by her letters patents, dated at Y. Court the 22 day of April, in the twelfth yeare of her Maiesties reigne, amongst other things in the same letters patents expressed, hath given & granted full and free liberty, licence, power, and authority unto the said E. Y. his deputy and deputies, assignee and assignees, and every of them that he or they or any of them, at all and every time and times hereafter, during the life naturall of the said E. Y. shall and may at his and their liberty & pleasure and for such considerations, and summes of money to be paid to his and their onely use, as to him or any of them shall be thought most meet and convenient, give and grant full and free libertie, licence, power and authority, to such person and persons which now be, or hereafter shall be nominated, assigned or appointed by writing tripartite indented, betweene the said E. Y. his said deputy or deputies, assignee or assignees on the one party, and every of the same person and persons, which now be, or hereafter shall be nominated, assigned, or appointed by the said E. Y. his deputy or assignes, or any of them Sect. 555.

of

of the other part, whereof every part of the same Indentures shall be sealed and delivered by the said parties, And the one part thereof shall be certified and delivered into our said Soveraigne Lady the Queenes Court of C. to keepe a Taverne or Tavernes, or to sell and utter, ingrosse & retaile wine and wines, by the gallon, or lesse or greater measure. And that all and every the said person and persons now nominated, assigned, or appointed, or which shall bee nominated, assigned, or appointed, as is aforesaid, and every or any of them, shall and lawfully may, during the naturall life of any and every of the said person and persons so nominated, appointed, or assigned, or which shall bee so nominated, assigned or appointed, buy, sell, utter, ingrosse, and retaile by the Gallon, or lesser or greater measure, all and every good and wholesome wine and wines, of what nature, kind, or name soever the same bee, in the Cities, Townes or places, where he or they shall bee so assigned or appointed, as is above mentioned, at his and their pleasure, and at, and for what price and prices whatsoever, to his and their most profit and commoditie. The Statute, made in the seventh yeare of the late King Edward the first, or anyother law, statute, proclamation, restraints, limitation of price, or other things whatsoever to the contrary in any wise notwithstanding: with the further power, licence, libertie, and authoritie of our said Soveraigne Ladie, in the said Letters Patents expressed, set forth, and declared in every behalfe, and to every intent and purpose, and for the naturall lives of such person and persons, as shall be licenced and authorized by the said E. H. or his said deputy, assignee, or any of them, as by the purport, true intent, signification, & meaning of the said writing tripartite Indented shall be contained and mentioned, to be given and granted unto them by the said E. H. or his said deputies, assignee or assignees, by vertue, force, & authority of the same Letters Patents, & by the same Letters Patents more ample, fully, & at large appeareth. By authority and vertue of which Letters Patents the said E. H. by his writing of deputation, dated the third of May in the twelfth yeer aforesaid, remaining of Record inrolled in the Court of our said Soveraigne Lady in her Chancery, hath constituted, ordained, & made the said R. E. his deputy and assignee, of and for the execution of the same Letters Patents. In accomplishment & execution of which Letters Patents & deputation, & for, and in consideration of a sum of money concluded, agreed, &c. by the said J. D. to the said E. H. the said R. E. as deputy and assignee of E. H. and for, and in the name of the said E. H. by force & authority of the said Letters Patents, doth by these presents nominate, assigne, and appoint the said J. D. his servants, deputies, and assignees: And also by vertue of the said Letters Patents as deputy of the said E. H. doth give & grant full & free liberty, licence, power, and authority unto

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the ſaid I. D. his ſervants, deputies, and aſſignes or any of them, to have, uſe, and keep one Taverne or Wine-celler within the ſaid towne, during his naturall life, aſwell within his manſion houſe, as otherwiſe within the ſaid towne, and to buy, ſell, utter, ingroſſe, by retaile, by the gallon, or leſſe, or greater meaſure, all and every good and wholeſome wine and wines, of what nature, kind, or name ſoever the ſame ſhall be, at his and their pleaſure, at theſe prices hereafter mentioned: that is to ſay, French Wines, Gaſcoine, Guien, Rochell, and ſuch like, as ſhall not exceed the price of fifteene pence the gallon, & al other wines at two ſhillings the gallon, ſave onely Paſkadell, which ſhall be at two ſhillings eight pence the gallon, and not above: The ſaid ſtatute, or any other law, ſtatute, proclamation, reſtraint, limitation of price, or other thing whatſoever to the contrary in any wiſe notwithſtanding. All which liberty, licence, power, and authority, our ſaid Soveraign Lady hath promiſed by the ſaid letters patents for her, her heires, & ſucceſſors, not onely, that her Juſtices Barons of the Exchequer, Serieants at law, Atturney, and Solicitor generall, and other her learned Councell in the laws of this Realme, ſhall and will at all time and times hereafter accept and allow in al and every Court and Courts of Record, and other places whatſoever, as a good and ſufficient barre, releaſe, & diſcharge againſt her, her heires and ſucceſſors: But alſo the Letters Patents, or the inrolment thereof, and this Indenture tripartite being ſhewed forth, and certified into the ſaid Court of Chancery, ſhal be a ſufficient warrant, to and for the ſaid I. D. by himſelfe or joyntly with others, having the like licence and diſpenſation from the Queene, her heires and ſucceſſors, to have his or their Letters Patents under the great Seale of England, in more and better due forme of Law to be had and made in his & their names, according to the purport & true meaning of theſe Preſents. And alſo to the Lord Chancellor, and Lord Keeper of the great Seale of England, and to every of them for the time being, a ſufficient and immediate Warrant to make, paſſe, and deliver the ſame Letters patents unto the ſaid I. C. under the great Seale of England, without bearing or paying any other charges than onely ſuch ordinarie fees, for writing, examining, inrolling, and inſealing of the ſame, both at the Signet, privy Seale, and great Seale, as heretofore hath been accuſtomed, ſo there be not above the number of 1. perſons in any our Letters Patents, to whom the ſame ſhall be made or granted: Wherefore the ſaid I. C. being now licenced to keepe a Tavern, and to ſell Wines as aforeſaid, doth moſt humbly require, that he may have the Queenes highneſſe Letters Patents under the great Seal of England in due forme of Law to him to be made, rendred, and granted, according to the purport, tenor, and effect of this preſent licence, and according to the true intent

and meaning of the ſaid Letters Patents before in theſe preſents mentioned. In witneſſe whereof, as well the ſaid R. E. with the ſeale of the ſaid E. H. by him delivered, as his Seale of Office in this behalfe, as the ſaid I. C. to every part of the ſaid Indentures have ſet their hands and ſeales the day and yeare abovesaid.

A Licence to purchaſe in Mortmaine.

Sect. 556. REx omnibus ad quos p̄ſentes literæ pervenerint &c. Sciatis q̄ nos de gratia noſtra ſpeciali, ac ex certa ſcientia & mero motu noſtr̄, ac ob amorem quem erga dilectos nobis in Chriſto Prior̄ & Conven̄ de R. gerimus & habemus, conceſſimus, ac licentiã dedimus, ac p̄ p̄ſentes concedimus, ac licentiam damus pro nobis & hæredibus noſtr̄ quantum in nobis eſt, & p̄f. Priori & Coven̄ & eor̄ ſucceſſor̄ q̄ ipſi & ſucceſſ. de tempore in tempus impoſterum, quando eis melius videbitur expedire, terr̄, tenement̄, & reddit̄, cum ſuis pertin', ad annuum valorem centum libr̄ ultra repriſ. & onera q̄cunq̄ vel infra, de quacunq̄ perſona ſive de quibuſcunq̄ perſonis ea eis dare, concedere, legare, aſſignare, vel alienare volenti vel volentibus, licet de nobis in capite vel aliter mediat̄ vel immediate aut de ipſo Priorat̄ ſive domo, vel de aliis perſon̄ vel p̄ſona teneantur, acquirer̄ & recipere poſſint: Habend̄ & tenend̄ ſibi & ſucceſſoribus ſuis in domus ſuæ augmentac' ſive ſuſtentation̄. Et eidem p̄ſon̄ ſive eiſdem p̄ſonis q̄ ipſa vel ipſam terr̄, tenem̄t & reddit. p̄dict. p̄dict. Priori & Coventui & ſucceſſ. ſuis ad annuum valor̄ p̄dict. vel infra, dare, concedere, legare, aſſignare, vel alienare poſſint & valeant. Ita ſemper q̄ dicti Prior & Coven̄, vel ſucceſſor̄ ſui infra ann' proxim̄ poſt hm̄di p̄quiſition', acquiſition', & receptiõn terr̄ & tenement. p̄dict'. ad dictum annuum valor̄, vel ad aliquem aliũ infra eund̄ ſibi & ſucceſſ. ſuis ut p̄mittitur, fact', dent, & concedant alien' perſon. ſive perſonis, & hæred. ſuis, cui vel quibus eis placuerit terr̄ & ten't. ipſor̄ Prior̄ & Conventus q̄ jam habent & poſſident in jure Priorat. ſui p̄dict. tanti annualis valor̄ exiſten. ultra omnia onera & repriſ. quanti eadem terr̄ & tenem̄t̄, ſic per ipſos Prior̄ & Coven̄ ſeu ſucceſſ. ſuos ad tunc ut p̄mit̄, perquiſit̄ & recept̄ ultra omnia onera & repriſ. ſe attingant: Statuto de terris & tenement̄ ad manum mortuam non ponendis edito, ſive aliquo alio ſtatuto, actu, ſive ordinatione inde in contrar̄ fact. ordinat̄, ſive proviſo in aliquo non obſtante. Nolentes q̄ p̄dict' Prior & coventus vel ſucceſſores ſui, aut p̄dict perſon' aut dicta perſona vel hæred̄ ſui vel eor̄ aliqui per nos vel hæred̄ noſtr̄, Juſticiar̄, Eſcheator̄, Vicecomites, Coronator̄, aut alios Ballivos ſeu Miniſtr̄ noſtr̄, ſeu dict. hæredum noſtrorum vel ſucceſſ. noſtror̄ quorumcunq̄

cunq; ratione p̃miſſoꝝ, vel eorum alicujus moleſtentur, inquietentur, ſeu graventur, nec eoꝝ aliquis moleſtetur nec in aliquo gravetur: Et hoc abſq; fine ſeu feodo magno vel parvo in hanaperio Cancell' noſtr̃ vel alibi, ad opus noſtrum pro p̃miſſis, vel aliquo p̃miſſoꝝ ſolvend̃ vel faciend̃: Et abſq; aliqua inquiſition' ſive inquiſition' inde p̃textu, vel virtute aliquaꝝ commiſſion', nr̃aꝝ hæred̃, vel ſucceſſoꝝ noſtroꝝ, ſeu alicujus brevis noſtri hæred. vel ſucceſſoꝝ noſtroꝝ in dictam Cancell' noſtram, hæredum vel ſucceſſorum noſtrorum ſeu alibi retornand̃, & abſque aliquibus aliis literis noſtris, hæredum vel ſucceſſoꝝ nr̃um patentibus in hac p̃te habend̃, impetrand̃, ſeu proſequend̃, aliquo ſtatuto, actu, ordinatione, proviſione, reſtrictione, ſeu mandato inde in contrarium ante hæc tempora fact' in p̃ſenti minime fact' exiſtit, aut aliqua alia, re, cauſa, vel materia quacunq; in aliquo non obſtantibus. In cujus rei teſtimonium &c.

A Licence to ſell Ale.

WR. and E. D. two Juſtices of the Peace of our Soveraigne Ladie the Queen in the County of W. To all Bailifs, Conſtables and other the Queenes Majeſties officers, greeting in our Lord God everlaſting. Know yee that we the ſaid W. R. and E. D. have licenced, & by theſe preſents doe licence G. J. of &c. to ſell Ale in his houſe at G. aforeſaid, for one whole yeare next inſuing the date hereof: And have bound him by Recognisance with ſureties to the Queenes Majeſties uſe, that they ſhal maintaine good rule, and not to uſe any unlawful games or meetings in his houſe, but to doe according to the ſtatute provided in that behalfe. In witneſſe whereof we have ſubſcribed our names, and hereunto have put our ſeales the &c. In the 34. yeare of &c. Sect. 557.

A Licence to keepe an Alehouſe.

TO all Juſtices of peace, Maiors, Sheriffs, Bailifs, and all other the N. Majeſties officers & ſubjects to whom it may appertaine, I. W. by the ſufferance of God Biſhop of &c. R. & P. eſquires, it. Juſt. of the P. of our Soveraign Lady the N. Majeſty in her highnes county of G. ſendeth greeting in our Lord God everlaſting. Know ye, that we the ſaid Juſtices, of good & credible report to us made, aſwell by men of worſhip, as by other honeſt perſons. That I. W. of &c. is a man meete to keep an alehouſe in the houſe where he now dwelleth, have licenced, allowed, & admitted, & by theſe preſents doe licence, allow, and admit the ſaid I. W. to keep a common alehouſe or tipling houſe at P. aforeſaid for one whole yeare next inſuing the date hereof, ſo that the ſaid I. W. ſuffer not any unlaw- Sect. 558.

full games to be vſed within his ſaid houſe, or any evill rule or order to kept within the ſame during his time of the ſaid licence, for the vſing of which licence accordingly, we doe you to wit, that we have bound the ſaid I. W. and two other ſufficient ſureties in a hundred chillings a piece by recognizance to the Queenes Majeſties vſe. In witneſſe &c.

A Licence to begge.

Sect. 559. I. T. T. C. and I. I. Eſquires, Juſtices for the conſervation of the peace of our Soveraigne Lady the Queenes Majeſtie, within the County of &c. aſſigned, greeting: Whereas the bearer hereof M. N. of B. in the ſaid County, being a very poore man and blind, by reaſon whereof he is not able to labour, nor yet to live of himſelf without the charitable relieſe of others, and being now reſident in the ſaid towne is therefore now to be relieved. And being likewiſe informed that the ſaid town is at this preſent charged with more poore and impotent folkes than it is well able to relieve. Know ye therefore, that we the ſaid Juſtices have licenced and allowed the ſaid poore man and his leader to goe abroad to beg, gather, and receive the charitable almes of wel diſpoſed people, inhabiting within the Hundred of &c. in the ſaid Countie, requiring you not to moleſt or trouble the ſaid poore man or his leader for ſo doing, but deſiring you rather to relieve them in their neceſſity, as to you ſhall ſeeme meete. This our licence to remaine in force one whole yeare next inſuing the date hereof. In witneſſe &c.

A Licence to beg out of the towne where he dwelleth.

Sect. 560. TO all Conſtables, Bailifes, Tithingmen, and all other the Queenes Majeſties officers within the County of N. greeting. Know ye, that we W. R. R. P. and T. H. Eſq. three Juſtices of Peace within the ſaid county, being not onely advertiſed but alſo of our owne knowledge doe partly underſtand, that there are more impotent people abiding and inhabiting within the ſaid borough of N. than the inhabitants of the ſame are well able to find and relieve: In conſideration whereof, for the eaſe of the ſaid borough, we have authorized and licenced, and by theſe preſents doe licence I. D. one of the ſaid poore folkes to goe abroad out of the ſaid borough unto O. and C. within &c. aforeſaid, and there within the ſaid parish to aſke, begge, and crave the charitable almes and devotion of the good and well diſpoſed perſons within the ſame townes, from time to time towards his ayd, ſuccour, and relieſe, ſo that he do not any thing hereby repugnant or contrary to the laws and ſtatutes of this realme, in ſuch caſes late made and provided. In witneſſe &c.

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A Licence to buy Hats and Caps beyond Seas, and to ſell them in England.

RIght Reverend father in God, right truſtie, and right welbeloved, we greet you wel, letting you to wit, That we of our ſpeciall grace for certaine conſiderations us moving, have given and granted licence unto our well beloved ſubject S. H. of our City of L. attending upon our court with haberdaſhery wares, that he by himſelfe, his ſervants, factors, or atturnies, denizens, or ſtrangers, ſhall purvey and buy at one time, or divers times, as well within this our Realme as in the parts of beyond the ſeas, the number of 500. dozens of Caps and the number of one hundred dozen of Hats, made and wrought in the ſaid parts of beyond the Seas, of what making ſoever they be. And the ſaid Hats and Caps to ſell unto us, and our ſervants, and to other perſons repairing to our ſaid court, without any manner of penaltie, forfeiture, or any other loſſe to be had or ſuſtained in that behalfe: any act, ſtatute, proviſion, or ordinance made to the contrary notwithſtanding. Provided alwayes, that we be duely anſwered of our cuſtomes and duties for all the Caps and Hats as occaſion is. Wherefore we will and command you, that under our priby Seale being in your keeping, ye addreſſe hereupon our letters unto our Chancellors of Engl', commanding him by the ſame, that under our great ſeale, being in his keeping, he doe thereupon our letters patents to be made in due and effectuall forme: And theſe our Letters ſhall be herein your warrant. Given under our Signet at our Manor of &c. the eighth day of December, the ſixth yeare of our raigne. Sect. 561.

A licence or Paſport.

SIr I. S. of R. within the county of D. Knight, one of the Mu. Majeſt. Juſtices of the peace within the ſaid county, to al Juſtices of peace, Maiors, Baillifs, Conſtables, and all other her Majeſties officers & miniſters whatſoever, ſendeth greeting in our Lord God everlaſting. Foraſmuch as the bearer hereof E. P. widow, being brought into great poverty and neceſſity, as well by the late death of her husband, as otherwiſe, hath deſired licence to travell unto the City of B, whereas one H. P. porter, and brother to her ſaid husband inhabiteth, by whoſe goodneſſe ſhe hopeth greatly to be relieved & holpen: In conſideration whereof, know ye me the ſaid ſir I. S. to have licenced the ſaid E. P. to travell & paſſe the direct way from H. within the county of F. whereas ſhe lately dwelled, unto the ſaid citie of B. together with her two little children, ſo as her journy be not of longer or further continuance than xx. dayes next after the date hereof, praying you & every of you to permit, and alſo to aide and re- Sect. 562.

live and assist the said E. in her journy, so that she shew her selfe in no respect offensive to her Majesties Laws. In witnesse &c.

A Licence to make a Parke within the liberty of a Forest.

Sect. 635 REgina omnibus ad quos &c. salutem. Sciatis quod nos de gratia nostra speciali, ac ex certa scientia &c. concessimus & licentiam dedimus, ac per p̄sentes pro nobis, hæredibus & successoribus nostris concedimus & licentiam damus dilecto nostro I. D. de D. in comitat̄ nostr̄ C. armig', quod ipse, hæred', & assign̄ sui imperpetuum habeant liberam warrenn̄ & libertat̄ parci, ac omnia quæ ad liberam warrenn̄ & libertat̄ parci spectant & pertinent in omnibus dominicis, terr̄ suis manerii sui de D. in dicto comitat̄ nostr̄ C. ac in omnibus terr̄, prat̄, pastur̄. & hæreditamt̄ suis, cognit̄ per nomen, vel per nomina de &c. licet terr̄ illæ sint infra metas alicujus forestæ, vel chaceæ nostr̄: Ita q̄ nullus Custos, Ballivus, nec aliquis alius officiar̄ nostrorum hæredum, vel successorum nostrorum forestæ nostr̄ de &c. in dicto comitatu nostro C. nec eorum deputatus, vel deputati, serviens, aut servientes, vel aliquis alius, seu aliqui alii, intrent terr̄ illas ad aliquid fugand̄ vel capiend̄, q̄ ad warrenn̄ & parcum pertineat, sine licentia & voluntate ipsius I. hæred̄ & assignatorum suorum, sub forisfactura nobis decem librarum. Quare volumus, & pro nobis, hæredibus & successoribus nostris firmiter p̄cipimus, quod p̄dict' I. hæred̄ & assignat̄ sui, imperpetuum habeant liberam warrenn̄ & libertat̄ parci, in omnibus p̄dict' dominicis, terr̄, prat̄, pascuis, pasturis, & hæreditament̄ suis in D. p̄dict', ac in cæter̄ p̄miss. licet terr̄ illæ sint infra metas alicujus forest', vel chaceæ nostr̄: Ita q̄ nullus Custos, Ballivus, nec aliquis alius officiar̄ nostr̄ hæred̄ vel success. nostrorum forest' de &c. p̄dict', in dicto com̄ nostro C. nec eorum deputat̄ vel deputati, serviens aut servientes, nec aliquis alius, vel aliqui alii intrent terr̄ p̄dict', aut aliquam inde parcell' ad fugand̄, cupiend̄, vel reducend̄, damas, lepores, cuniculos, phasianos, perdices, aliqd ad aliud q̄ ad warrenn̄ & parcū p̄tineat, sine licentia & voluntate ipsius I. hæred̄ & assignat̄ suor̄, sup̄ forisfactur̄ decem libr̄. Ac ulterius de uberiore gratia nostra damus, & pro nobis, hæred̄, & success. nostris concedimus p̄fat̄ I. hæred̄ & assignat̄ suis quod ipse, hæred̄, & assign̄ sui imperpet̄ sint immunes & liberi. Et q̄ omnia & singula p̄missa, sunt & erunt immunia & libera ab omni jurisdictione, p̄scriptione, controllament̄, consuetudin̄, libertat̄, privilegio, ingressu, vanation̄, fugation̄, &c.

A Licence to teach a Grammar Schoole.

T. By the permiſſion of God Archbiſhop of Y. Primate and Metro- Sect. 564.
politane of &c. To all true Chriſtian people to whom theſe preſents ſhall come, to be ſeen, read, or heard, ſendeth greeting in our Lord God everlaſting. Know ye, that we have examined W. W. whom we find to be ſufficiently inſtructed for his learning and knowledg of the Latine, Greek, and Hebrew tongues, and likewiſe of good and honeſt behaviour: Wherefore we have admitted and authorized him to teach Schoole in any place throughout the whole Dioceſſe of Y. requiring you ſo to take and accept him, ſo long as he ſhall honeſtly behave himſelf and vertuouſly educate and bring up the youth of your pariſhes, or unto ſuch time as ye ſhall be otherwiſe commanded, if by any occaſion the matter ſhall ſo fall out. In witneſſe whereof to theſe preſents we have cauſed the Seale which we doe uſe in this behalfe to be put. Given the xxv. day of June, Anno domini 1567.

Licentia ad erigendum Scholam Grammaticalem & Cantus in R. cum appropriatione Eccleſiæ & confirmatione Decani &c.

EDwardus Dei gratia Rex Angliæ & Franciæ, & dominus Hiberñ, Sect. 565.
Omnibus ad quos p̃ſentes liter̃ pervenerint, ſalutem. Sciatis q̃ nos de gratia noſtra ſpeciali, & ad humilem ſupplicationem Reverendiſſimi patris T. R. Eborum Archiepiſcop̃ Cancellar̃ noſtri Angliæ, pro quodam fine, ſeu quadam pecuniæ ſumma nobis per eundem Archiepiſcopum præ manibus ſolut̃, conceſſimus, & licentiã dedimus, ac per p̃ſentes concedim̃, & damus licentiam pro nobis & hæredibus noſtris quantum in nobis eſt, p̃fat̃ Archiepiſcop̃, quod ipſe (aut ipſo defunct̃) executores, & aſſignat̃ ſui, aut eorum aliquis, vel aliqui, ad laudem, honorem, & exaltatiõ, glorioſiſſimi nominis Domini noſtri Ieſu Chriſti ſalvatoris noſtri, quoddam Collegium perpetuum, pro futuris perpetuis temporibus duratur̃, de uno Præpoſito verbi Dei p̃dicatore, & duobus ſociis: uno videlicet eorum Magiſtro, ſive idoneo informatore in Grammatica, altero vero inſtructore idoneo in Cantu, ſeu pluribus aliis ſociis, ſi & prout proventus & facultates ejuſdem Collegii impoſterum forſan ampliari, & ad id ſufficere contigerint regend̃, & gubernand̃, juxta ordinatiõ & conſtitutiones inde, prout infra ſcribitur, faciend̃ & ordinand̃, ad p̃dicand̃ verbum Dei in p̃ochia de R. in com̃ Ebor̃ ac aliis locis infra dioceſ. Ebor̃. Et ad informand̃ Scholares quoſcunque, Grammatic̃ ſeu Cant̃ addiſcere cupientes undecunque in regno Angl', & p̃cipuè de dioceſ. E. ad p̃dictum Collegium ſe conferentes in

regulis & inſtitutis Grammatic' & cantus gratis, abſq; pecuniæ aut alterius rei exactione: Necnon ad celebrand' & orand' imperpet' pro ſalubri ſtatu nr̃o & Elizab. prædilect' conſortis noſtræ, ac chariſſimi filii noſtri primogeniti Edwardi Principis Walliæ, cæterorumq; liberorum noſtror̃ dum vixerimus, & ſpecial' dict' Archiepiſcopi & benefactorum ſuorum dum vixerit, ac ad alia miſericordiæ & pietatis opera faciend' & exercend', juxta ordination' & conſtitution' per memorat' Archiep̃m, aut executores & aſſignatos ſuos p̃dict', aut eorum aliquem in hac parte faciend' & ordinand', ſuper quoddam ſolum ſeu ſcitum ipſius Thom̃ Archiepiſcopi, jacens in villa de R. p̃d': Quod quidem ſolum continet in longitudine &c. et in latitudine inter clauſum &c. facere, fundare, erigere, creare & ſtabilire poſſit & valeat, ſeu poſſint & valeant futuris tempor̃ duratur̃. Et quod Collegium illud cum ſit fundatum, erectum, & ſtabilitum fuerit, Collegium Ieſu de R. nuncupetur & appelletur imperpetuum. Quodq; Præpoſitus & ſocii hujuſmodi Collegii prædict', & ſucceſſores ſui Præpoſit' & ſocii Collegii Ieſu de R. imperpetuum vocentur & nuncupentur, ſintque unum corpus in re & nomine incorporat' atque perpetuam habeant ſucceſſion': Necnon ſigillum commune pro ſcriptis & literis facta & negotia ejuſdem Collegii, atque ipſor̃ præpoſiti & ſociorum ejuſdem concernent' conſignandis & ſigillandis. Et quod ſint perſonæ habiles, & capaces in lege, per nomen & ſub nomine Præpoſiti & ſociorum Collegii Ieſu de R. ad perquirendum & recipiend' terras & tenementa, redditus, ſervitia, annuitates, decimas, obligationes, & alia quæcunque emolumenta, obventiones, jura & poſſeſſiones, tam temporalia quam ſpiritualia cum pertinentiis de præfato Thoma Aichiepiſcopo, & de quacunque alia perſona ſive quibuſcunque aliis perſonis, ea ſibi, vel ſucceſſoribus ſuis, dare, legare, concedere, vel aſſignare, volenti vel volentibus. Habendum & tenendum ſibi & ſucceſſoribus ſuis, Præpoſitis & ſociis Collegii prædicti in feodo & perpetuitat': Ac etiam quod iidem Præpoſitus & ſocii ejuſdem Collegii pro tempore exiſten', per nomen & ſub nomine Præpoſiti & ſociorum Collegii de R. placitare poſſint & implacitari, ac proſequi omnimodas actiones reales, perſonales & mixtas ſectas, cauſas, querelas, & demanda cujuſcunque generis fuerint vel naturæ, in quibuſcunque curiis & locis, coram quibuſcunque Juſticiariis & Judicibus ſpiritualibus vel temporalibus, ſeu aliis perſonis quibuſcunque, ac in eiſdem agere, defendere, reſpondere, necnon omnia alia facere & recipere, prout & eodem modo quo cæteri ligei noſtri perſonæ habiles & capaces infra idem Regnum noſtrum placitant & implacitantur, reſpondent & defendentur, ſeu implacitare aut implacitari, reſpondere ſeu defendi debeant & tenent'. Ac etiam de gratia noſtra ſpeciali conceſ-

ſimus

ſimus, licentiam dedimus, atque concedimus, & licentiam damus per p̄ſentes, pro nobis & hæred̄ noſtris quant̄ in nobis eſt p̄fato Thom̄ Archiepiſcopo prædicto, quod ipſe (aut ipſo defuncto) executores & aſſignati ſui, aut eorum aliquis, vel aliqui, poſtquam Collegium præd̄ ſit factum, fundatum, erectum, & ſtabilitum fuerit, ſolum & ſcitum prædict' cum pertinentiis, prout limitant̄, quæ de nobis immediate nō tenent, dare poſſit aut poſſint præf. Præpoſito & ſociis Collegii antedicti, & ſucceſſoribus ſuis: Habend̄ & tenend̄ ſibi & ſucceſ. ſuis Præpoſitis & ſociis ejuſd̄ Collegii imperpetuum, pro ſitu & conſtructione, ac primaria fundatione ejuſdem Collegii, ac inhabitatione dict̄or Præpoſiti & ſociorum ejuſdem Collegii & ſucceſſor̄ ſuor̄: Ac eiſd̄ Præpoſito & ſociis, cum ſucceſſoribus ſuis, q̄ ipſi ſolum & ſitū p̄d̄a p̄fat̄ Archiepiſcopo, executoribus & aſſign' ſuis, ſeu eorum aliquo recipere & tenere poſſint eis & ſucceſſoribus ſuis præd̄, ut præd̄ eſt, imperpetuum tenore p̄ſentium licentiam damus ſpecial', abſq; aliquo fine & feod̄ pro p̄ſentibus literis, vel aliis literis ſuperinde conficiendis, ad opus noſtrum vel hæred̄ noſtror̄ capiend̄ ſeu ſolvend̄, ſeu faciend̄, Et abſque aliqua inquiſitione, virtute alicujus brevis noſtr̄ de *Ad quod damnum*, ſeu alicujus alterius mandati noſtri in hac parte capiend̄ & proſequend̄, & abſque aliqua alia licentia noſtra, ſeu aliis literis nr̄is patentibus eis in hac parte concedend̄ vel faciend̄: Statuto de terris & tenementis ad manum mortuam non ponendis, aut eo qd expreſſa mentio de vero valore annuo ſoli & ſitus prædictor̄ in præſentib. minime fact' exiſtit, aut aliquo alio ſtatuto, actu, ordinatione, proviſione, ſeu reſtrictione in contrarium fact' edita, & ordinata, aut aliqua alia re, cauſa, vel materia non obſtante. Et ulterius de uberiori gratia noſtra conceſſimus, & licentiam dedimus, atque concedimus, & licentiam damus per præſentes, pro nobis & hæredibus noſtris quantum in nobis eſt, præfat̄ T. Archiepiſcopo, ac executoribus & aſſign' ſuis præd̄, nec non aliis perſonis quibuſcunque, quod ipſi & eorum aliqui vel aliquis aut aliqua, cum Collegium prædict' ſit factum, fundatum, & erectum fuerit, terras, tenementa, redditus, ſervitia, annuitates, & alias poſſeſſiones quaſcunque cum pertinen', ad valor̄ annuum centum Marcarum ultra repriſ. licet ea de nobis ſeu hæred̄ noſtris, aut aliis per ſervic' Militar̄, aut alio modo immediate teneantur in Capite, dare, legare, concedere, ſeu aſſignare poſſit & poſſint p̄fat̄ Præpoſito & ſociis Collegii antedicti & ſucceſſor̄ ſuis, Habendum & tenendum ſibi & ſucceſſoribus ſuis Præpoſitis & ſociis ejuſdem Collegii imperpetuum, ad ſuſtentationem ſuam, & alia pietatis opera, juxta inordinationem & conſtitutiones, per ipſum Thomam Archiepiſcopum, vel executores ſeu aſſignatos ſuos, aut eorum

eorum aliquem inde faciendam & ordinand', & ſupportand. Et eiſdem Præpoſito & ſociis, quod ipſi & ſucceſſores ſui p̄dict', eadem terras, tenementa, reddit', ſervic', annuitates, & poſſeſſiones ſupradict', ad an' valorem p̄dict' ultra repriſ. a p̄fato Th. Archiepiſcopo aut executoribus ſuis ſeu aſſignatis ſuis, & cæteris p̄ſonis p̄dict', ſeu eorum aliquo vel aliquibus, aut aliqua, perquirere & recipere poſſint. Habendum & tenendum eiſdem Præpoſit' & ſociis & ſucceſſoribus ſuis imperpetuum, ad ſuſtentationem ſuam, & alia pietatis opera ut p̄mititur faciend' & ſupportand' imperpetuum. Similiter concedimus & licentiam damus ſpecialem abſque impetitione, impedimento, p̄turbatione, ſeu gravamine noſtri, vel hæred' noſtrorum, Juſticiar', Eſchaet', Vicecom', Coronat', Ballivorum, aut alior' Officiarior' & Miniſtror' noſtror' vel dictorum hæredū noſtror' quorumcunq;, & abſque alio fine & feodo pro p̄ſentibus literis, vel aliis literis ſuperinde conficiend', ad opus noſtrum, ſeu hæredum noſtrorum capiend', ſolvend', ſeu faciend'. Et abſque aliqua inquiſitione virtute alicujus brevis noſtri de *Ad quod damnum*, ſeu alicujus alterius mandati noſtri in hac parte capiend' & proſequend', & abſque aliqua alia licentia noſtra, ſeu aliis literis noſtris patentibus eis in hac parte concedend' vel faciend': Statut' de terris & tenementis ad manum mortuam non ponendis, aut eo p̄ expreſſa mentio de vero valore annuo terrarum, tenementor', redditurum, ſervitior', annuitatum, & poſſeſſionum p̄dictorum, aut eorum alicujus in p̄ſentibus minime fact' exiſtit, aut aliquo alio ſtatuto, actu, ordinatione, proviſione, ſeu reſtrictione in contrar' fact', edit', ſeu ordinat' aut aliqua alia re, cauſa vel materia quacunq; non obſtante, nos inſuper ultra p̄miſſ. de gratia noſtra ſpeciali, ad ſupplicationem p̄dicti Archiepiſcopi Cancellarii noſtri, ad laudem & honorem glorioſiſſimi nominis Domini noſtri Ieſu Chriſti, conceſſimus, & licentiam dedimus ac p̄ p̄ſentes concedimus & licentiam damus pro nobis & hæred' noſtris quantum in nobis eſt, p̄dicto Archiepiſcopo, quod ipſe (aut ipſo defuncto) executores & aſſignati ſui aut eorum aliquis vel aliqui, poſtquam Collegium p̄dictum ſic fundatum, erectum, & ſtabilit' fuerit, Eccleſiam parochial' de Laxton in Comitat' N. ſuæ dioceſ. ad p̄ſentationem ſeu collationem ſuam ſpectantem, cum ſuis juribus, & pertinentiis quibuſcunque, ac advocationem ejuſdem Eccleſ. laicali perſon̄ memorat' Thom̄ Archiepiſcop̄ pertinent' & perquiſit', licet de nobis immediatè teneatur, dare, concedere, aſſignare, appropriare, venire, & incorporar' poſſit Præpoſitis & ſociis Collegii p̄dicti & ſucceſſoribus ſuis Præpoſitis & ſociis dicti Collegii: Habendum & tenend' eidem & Præpoſito ſocii & ſucceſſor' ſuis imperpetuum ad proprios uſus ad ſuſtentationem ſuam, & alia pietatis opera, juxta ordinationem & conſtitutiones per ipſum Thom̄ Archiepiſcopum, vel exe-

executores ſeu aſſignat ſuos, aut eorum aliquem inde faciend & ordinandū, faciend, & ſupportand. Ac eiſdem Propoſito & ſociis, & ſucceſſoribus ſuis, Præpoſit & ſociis Collegii p̄dict', quod ipſi advocationem & Eccleſiam prædictam, cum ſuis juribus & pertinentiis quibuſcunque à p̄fat Archiepiſcopo, executor & aſſignat ſuis, ſeu eorum aliquo recipere, & Eccleſiam illam appropriare, & eam ſic appropriat in proprios uſus tenere poſſit ad ſuſtentationem ſuam, & alia pietatis opera ut p̄mittitur faciend: Similiter tenore p̄ſentiū licentiam damus ſpecialem abſq; impetitione noſtri, vel hæred noſtrorum, Juſticiar, Eſcheat, Vicecom, aut aliorū Ballivorum, ſeu Miniſtrorum noſtrorum, vel hæredum noſtrorum qnorumcunquc, & abſque fine ſeu feodo pro p̄ſentibus literis noſtris, ad opus noſtrum capiend ſeu ſolvend, abſq; aliqua inquiſitione virtute alicujus brevis noſtri de *Ad quod damnum*, ſeu alicujus alterius mandati noſtri in hac parte capiend vel proſequend, & abſque aliqua alia licentia noſtra, ſeu aliis literis noſtr patentibus eis in hac parte concedend vel faciend: Statuto de terris & tenementis ad manum mortuam non ponendis, aut aliquo alio ſtatuto, actu, ordinatiō ſeu proviſione inde in contrariū facta, edit ſeu ordinat, non obſtante. Dum tamen dict' Eccleſ. parochialis de L. per idoneum Vicar ibidem ſufficient dotat vel dotandi de ſerviat, ac quod competens pecuniæ ſumma inter pauperes parochianos ibid annuatim diſtribuatur. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte me ipſo apud Weſtmonaſterium viceſimo ſecundo die Ianuarii, anno regni noſtri xxij. In quorum omnium & ſingulorum p̄miſſorum fidem & teſtimonium p̄ſent literas ſigilli noſtri appenſione roborari fecimus atque communiri. Datum in hoſpitio noſtro juxta Weſtmonaſter primo die Februarii, anno Domini 1582. Et noſtr tranſlationis tertio.

Et nos Rob. Decanus & Capitulū Eccleſ. Cathed beati Petri Ebor, in domo noſtra Capitular, una cum p̄fato Reverendiſſimo patre de dict' fund, fundatiō, erectiō, creatione, ſtatur, & ordinatiō ſolempnem & diligentem tractat habeñ, prout de facto habuimus, juxta juris exigentiam in hac parte requiſit, ad p̄dict' fund, fundatiō, erectiō & creatiō: Necnon voluntat, ſtatur, ordinatiō, vocation', nuncupation', appellation', deputation', inſtitution', induction', inveſtationem, mutationem, diminutionem, interpretationem, dationem, conceſſiō, aſſignationem, reſervation', p̄ſentation', devolution', admiſſion', juramenť obligation', p̄dication', celebration', decanation', reſidenc', adminiſtration', diſpenſationem, regimen, informationem, inſtructionem, exemption', excluſion', limitation', licentiam, conceſſion', & dation': Ac decret penes ſequeſtrationem, excommunication', denuntiation', amotion',

amotion̄, remotionem, ſubrogation̄, reſervation̄, editionem, conditionem, emendationem, reformationem, mandat̄, approbationem. Inſup̱ ratificationem, confirmationem, etiam obſervationem, arctationem, obligationem, onerationem, & cætera p̄miſſa omnia & ſingula per p̄fatum Reverendiſſim̄ in Chriſto patrem Archiepiſcop̄ Primatem & legatum antedict. ac per eum, prout ſuper recitantur fact. noſtr̄ aſſenſum & conſenſum expreſſ. p̄bemus: Ac eiſdem omnibus voluntarie aſſentimus, promiſſaq; omnia & ſingula quatenus proceſſerint, Rata & grata habemus pariter & accepta, ac eadem omnia & ſingula, quatenus ad nos attinet, & de jur̄e poſſumus atq; debemus, ad omnem juris & perpetuitat̄ effect. qui exinde ſequi poterit aut debebit, pro perpetuo ſcienter & notor̄ & unamit̄ collaudamus, approbamus, ratificam̄, & confirmam̄ per p̄ſentes. In quorum omnium fidem atq; teſtimonium, ſigillum noſtrum commune p̄ſentibus eſt appenſum. Dat̄ Eborī in domo noſtr̄ Capitulari xx. die menſis Iulii, Anno Domini 1584.

A Petition to the Parliament, for the erection and incorporation of a Schoole.

Sect. 566. EDward. ſextus Dei gratia Angl', Franciæ, & Hiberniæ Rex, fidei defenſor, & in terra Anglicanæ Eccleſiæ & Hibernicæ ſuprem̄ caput, Omnibus ad quos præſentes literæ pervenerint ſalutem. Inſpexim̄ quoddam breve noſtrum de Certiorand. I. M. Militi Clerico Parliam̄ti noſtri direct', & in filat̄ Cancellariæ noſtræ reſiden̄ in hæc verba, Edw. ſext̄ Dei gratia Angl', Franciæ, & Hibern. Rex, fidei defenſor, & in terra Eccleſiæ Anglicanæ & Hibernicæ ſupremum caput, dilecto & fideli ſuo I. M. Militi Clerico parliamentorum ſuorum, vel ejus deputato ibid̄ ſalutem. Volentes certis de cauſis certiorari ſuper tenorem cujuſdam Actus in parliamento noſtro apud Weſtmon̄ xxiij. die Ian. ultimo præterito, & ibid̄ continuat̄ uſque ad quint̄ decimum diem Aprilis etiam ultim̄ p̄terit̄, concern̄ quend̄ actum in eodem Parliamento pro erectione liberæ Scholæ in P. in Com̄ Eborī nuper edit̄: Vobis mandamus, q̱ tenorem actus p̄d̄ nobis in Cancellar̄ noſtr̄ ſub ſigill' veſtr̄ diſtincte & aperte mittatis, & hoc breve. Teſte meipſo apud Weſtm̄ primo die Iulii, ann̄ regni noſtri ſexto. Iuſpeximus etiam quendam actum Parliamenti, in parliamento noſtro apud Weſtm̄ tento, edit: & in filatiis ejuſdem Cancell' ſimiliter reſiden̄ in hæc verba. In Parliam̄to inchoato & tento apud Weſtm̄ quarto die Novemb. ann̄ potentiſſimi Principis Ed. 6. Dei gratia Angl', Franc', & Hiber̄ Regis fidei defenſ. & in terr̄ Eccleſ. Anglican̄ & Hibern' ſupremi capitis primo, & q̱ varias prorogationes continuat̄ uſque in 23. diem Ianuar̄ anno quinto ejuſdem dom̄ regis, in quarta, viz. & ultima Seſſione ejuſd̄ Parliament̄ inter'

inter alia multa communi omnium procerum & populi aſſenſu ſancit & ſtabilit, & inactitat fuit hoc pſens ſtatutum pro erectione liberæ Scholæ in P. in Com E. ad verbum prout ſequitur.

In moſt humble wiſe complaining, ſheweth unto your moſt ercellent Highneſſe, your Orator and faithfull ſubject T. D. of Greyes Inn: That whereas one J. D. deceaſed, Doctor of the Laws, for the zeale & love that he had to his countrey, and to the education and bringing up of youth in vertue and learning, gave, granted, confirmed, and aſſured certaine lands, and tenements in the County of Yorke, of the cleere yearly value of fifteene pounds, above all charges and repriſes, unto the Maſter, Fellowes, and Scholers, of S. Johns Colledge in C. to have and to hold to them and their ſucceſſors for ever, to the intent, that they the ſaid Maſter, Fellowes and Scholers, & their ſucceſſors for ever, ſhould retain & keep in their Colledge five Scholers that had been brought up in the Grammer Schoole, freely erected by the ſaid J. D. in P. in your Graces County of Yorke for ever, in ſuch manner and forme, as is contained in a deed of Compoſition quadripartite Indented of the ſaid J. D. bearing date the firſt day of September, in the year of our Lord God 1515. & in the ſeventh year of the reigne of the late King of famous memory, Henry the eight, being made to the ſaid Maſter, Fellowes, & Scholers, as more plainly doth and may appeare. And amongſt the proviſions, grants, articles, and agreements of the ſaid compoſition it is contained, that the Maſter, Wardens, & brethren of a certaine Fraternity & Guild in P. aforeſaid, foundedthere by the ſaid J. D. by the licence of the ſaid late King of famous memory Henry the eight, ſhould alway when the ſaid Scholers rooms, or any of them fortuned to be void by death, reſignation, forfeiture, or other wiſe, have the election, nomination, and appointment of a Scholler, or ſo many Scholers as then might, or would ſupply the room or roomes of the ſaid Scholers then being vacant or void in the ſaid Colledge. And that the ſaid Maſters, Fellowes, and Scholers of S. Johns Colledge ſhould alwayes give knowledge unto the Maſters, Wardens, and Brethren of the ſaid Guild, when any ſuch avoydance ſhould happen to fall by any the meanes aforeſaid, within a certaine time appointed within the ſaid compoſition, as therein more plainly appeareth. And now moſt gratious Soveraigne L. by reaſon of the Statute made in the firſt yeare of your moſt noble reigne, for the diſſolution of Chauntries, Colledges, free Chappels, Guilds, and Fraternities, although themeaning of the matters of the ſaid Statute was not to hurt, alter, or change any ſuch good and godly foundations, made only for the increaſe of learning, but rather to fortifie, augment, & enlarge ſuch godly foundations & ordinances: yet that notwithſtanding, the ſaid Fraternity and Guild onely founded for the godly intents afore-

ſaid

said, by the said Statute made for the dissolution of Chanteries, Fraternities, and Guilds, as is aforesaid, colourably under the pretence of fraternity superstitiously used, is now dissolved and taken away. And by the meanes therof the benefit preferment which the Schollers of the said free schoole in P. aforesaid have always had sithence the said foundation made is likely to be clearly gone and taken away, most contrary to the meaning and good intent of the said godly ordinance and foundation. And yet the said Colledge of Saint I. at this day is possessed and seised of the said lands and tenements, given onely for the intents and purposes aforesaid, which thing is like to ensue to the great displeasure and losse of the inheritance of the said Towne of P. and of all the County there, unlesse it shall please your Majesty, that the said godly ordinance may be perfected, recontinued and established by some good and godly devise and ordinance. And whereas your said Orator is seised in his demeasne as of fee, aswell of the Schoolehouse of the said freeschoole as also of all the lands & tenements purchased by the said I. D. Doctor of the laws for the maintenance of the said free Grammer schoole, without any use declared, And no other demise as yet made for the more perfect continuance of the said free Grammer Schoole, so that if your said subject should chance to die, whereof he is most assured, it is not certaine that the said lands shall be imployed unto the use and godly intent aforesaid, as heretofore they have beene. May it therefore please your most excellent Highnesse, tenderly considering the premisses, that it may be enacted with the assent of the Lords spirituall and temporal, and the Commons in this present Parliament assembled, and by the authoritie of the same in manner and forme following. First that it shall and may be lawfull unto the said Master and Fellowes of the said Colledge of Saint I. in C. and their successors for ever, to nominate and appoint one discreet and well learned man to supply the roome of the Schoolemaster of the said free Grammer Schoole. And that it shall be lawfull for the said Schoolemaster, with the Churchwardens of the parish Church of P. aforesaid, to nominate and appoint one sufficient learned yong man to be Usher of the said free Grammer schoole. And that as often as the said schoolmasters room shal fortune to be voyd by death, resignation, or otherwise: that then it shal be lawfull for the said Master and Fellowes of S. Johns Colledge, and their successors forever, to nominate and appoint one discreet and well learned man, as is aforesaid, to supply the roome of the said Schoolemaster then being voyd. And in like manner, and as often as it shall fortune the said Ushers roome to be voyd by any the meanes aforesaid: that then it shall be lawfull for the said Schoolmaster and Church-wardens, and their successors for ever, to nominate & appoint one well and sufficiently learned young man to supply

ply the room of the ſaid Vſher then being void; & by authority of this preſent Parliament be incorporated by the name of Maſter and Vſher of the ſaid free Grammer Schoole of P. And that they and their ſucceſſors, ſhall have perpetuall ſucceſſion in the ſame for ever. And that the ſaid Schoolemaſter and Vſher of the ſaid free Schoole of P. aforeſaid for the time being, ſhall be enabled by the authority of this preſent Parliament, to receive to them and their ſucceſſors in perpetuity for ever, of the gift & grant of the ſaid T.D. or of any other perſon or perſons, lands, tenements, annuities, and rents of the cleere yearely value of xx.li. and not above, for the exerciſing and uſing of the ſaid roome & roomes of the Schoolemaſter and Vſher of the ſaid free Grammer Schoole. And that the ſaid Maſter & Vſher, & either of them and their ſucceſſors, and the ſucceſſor of either of them, ſhall and may be enabled by the authority aforeſaid to ſue & be ſued, to implead and to be impleaded, for any matter or cauſe concerning the ſaid Lands, tenements, annuities, and rents, or any parcell thereof, by the name of Maſter and Vſher of the ſaid free Grammer Schoole in P. aforeſaid. And that from henceforth as often as the ſaid five Schollers roomes or any of them within the ſaid Colledge of Saint J. ſhall fortune to be voyd by any the meanes abovеſaid: that then it ſhall and may be lawfull unto the ſaid Maſter of the ſaid free Grammer ſchoole in P. and his ſucceſſors, for ever &c. Nos autem tenor brevis & actus prædict', ad requiſitionem T.D. gen' de Greis Inne, duxim' exemplificand' per præſentes, In cujus rei &c. Teſte me ipſo apud Weſtm' 6. Iulii, Anno regni noſtri vi.

A Licence of alienation of Lands in Capite.

ELizabeth Dei gratia &c. Omnibus ad quos præſentes literæ perve- Sect. 567.
nerint, ſalutem. Sciatis quod nos de gratia noſtra ſpeciali, ac pro tribus libris & x. s. nobis ſolut' in hanaperio noſtro conceſſimus, ac licentiam dedimus, ac per præſentes concedimus, ac licentiam damus pro nobis & hæredibus noſtr' quantum in nobis eſt, dilecto noſtro E.F. qd ipſe totam medietat' manerii C. cum pertinen', ac quadraginta meſuag', viginț cottag', quadraginț gardin', quinquaginț ac' terr', quadraginț ac' prati, trecent' ac' paſtur', xxx. ac' boſci, trecent' ac' moræ, & viginț libr' reddit' cum pertinent' in W. & alibi, in comitatu noſtro N. eidem medietat' pertinen' ſive ſpectant', parcell' de reputat' aut accept' exiſten' per R. D. & I.F. quæ de nobis tenentur in Capite, dare poſſit & concedere, alienare, vendere, barganizare, feoffare, warantizare, aut cognoſcere per finem in Curia noſtra coram Juſticiariis noſtris de Communi banco, aut aliter, ſeu aliquo quocunque modo dilecto nobis E. Habend' & tenend' eidem E. hæredibus & aſſignat' ſuis de nobis & hær' noſtr', per ſervitia inde debita & de jure conſueta imperpetuum. Et

eidem

eidem E. quod ipſe mediet̃ manerii p̃dict̃. ac cæterorum p̃miſſorum cum pertinen' à præf. I. recipere poſſit, & tenere ſibi, hæred̃, & aſſignat̃ ſuis de nobis & hæred̃ noſtris per ſervitia p̃dict̃. imperpetuum ſicut prædictum eſt, tenore præſentium ſimiliter licentiam dedimus, ac damus ſpecialem: Nolentes q̃ præd̃ I. aut hæred̃ ſui, vel præd̃ E. hæredes vel aſſignat̃ ſui præd̃, ratione præmiſſorum, per nos, hæred̃, vel ſucceſſor̃ noſtros, Juſticiar̃, Eſcheator̃, Vicecom̃, Ballivos, aut alios Officiar̃ ſeu Miniſtr̃ noſtros, hæred̃ vel ſucceſſorum noſtrorum, quoſcunque inde occaſionentur, moleſtent̃, perturbentur, vexentur in aliquo, ſeu gravent̃; aut eor̃ aliquis occaſionetur, moleſtet̃, perturbet̃, vexetur in aliquo ſeu gravet̃. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſt̃é me ipſa apud Weſtmonaſterium ultimo die &c.

A Licence for Brokers or badgers of Corne.

Quinto die Aprilis, anno regni Eliz. Reginæ xxxvi.

Sect. 568. **AT the generall Sellions of the peace holden at G. in the County of S. the day and yeare above wꝛitten, T. B. of F. in the county afoꝛeſaid, is licenced and appointed by the Juſtices of the P. of the ſaid county, to be a common Badger, Lader, Keedar, Carrier, Buyer, oꝛ tranſpoꝛter of all manner of Coꝛne oꝛ Graine, in any Market oꝛ Faire within the Realme of England, and the ſame ſo bought, to convert to meale, and the ſame to carry to the City of London, oꝛ the ſuburbs of the ſame, oꝛ to any other Market oꝛ Faire, ſo that he uſe and occupy the ſame, accoꝛding to the tenoꝛ and true meaning of the ſtatute lately made in the fift yeare of the reigne of our ſoveraigne Loꝛd king Edward the firſt, againſt Regratoꝛs, Foꝛeſtallers, and Ingroſſers, and not otherwiſe: The ſame licence to have continuance from the date hereof, untill the nexꝛt generall ſeſſions of the peace after the feaſt of E. next comming to be holden &c.** In witneſſe **whereof the Juſtices of the P. of the ſaid county, whereof the one is of the Quoꝛum, being pꝛeſent at the ſaid generall ſeſſions, whoſe names be under wꝛitten, have ſigned and ſealed this pꝛeſent Licence with their pꝛoper hands and ſeales, the day and yeare above wꝛitten.** Dated **at G. the ſaid 5. day of A. &c.**

A grant of a Licence to tranſport Wooll.

Sect. 569. REx omnibus ad quos &c. Salutem &c. Sciatis quod nos de gratia noſtra ſpeciali, ac ex certa ſcientia & mero motu noſtris, dedimus & conceſſimus, & per præſentes damus & concedimus dilecto ſubdit̃ nr̃o R. F. licentiam, quod ipſe, aſſig', vel aſſign' ſui, factor ſive factores ſui, poſſit ſive poſſint, portare & reportare, quolibet ann' durant̃ ter̃m ſex

ſex annorum immeditatè poſt dat' præſentium, ducent' petr' Lanæ ſive Lanarum extra terr' noſtram Hiberniæ, ad aliquem portum ſive crecam in regno noſtro Angl', ad libitum ipſius R. aſſign' vel aſſign' ſuorum, fact' ſive factor' ſuorum ſolvend' cuſtomas & alia onera inde nobis debit'. Mandamus etiam omnibus & ſingulis Majoribus, Ballivis, Vicecom', & aliis officiar' & miniſtris noſtris quibuſcunque, quod ipſi, nec eorum aliquis præd' R. aſſign', ſive aſſignatos ſuos, factor', ſive factores ſuos, in aliquo præmiſſ. impediant, moleſtent, nec gravent, contra formam literarum noſtrarum: Eo quod &c.

Warrants.

A Warrant to pay money.

TO our truſty and welbeloved D. L, our receivor in our Lordſhips of T. & G. or to any other our Receivors there for the time being, greeting: We will and charge you, that of the profits and revenues of our ſwelthood in your receit at the feaſt of Eaſter next comming, &c. without any longer delay, ye content and pay unto our welbeloved W. ſ. r li. of &c. which we owe unto him for certain ſtuffe, to our uſe of him bought and retained, and for payment of the ſaid ſum, ye take for us ſufficient acquittance, which with theſe our letters ſhall be therefore to you ſufficient warrant and diſcharge at your accompts then next to be given afore our Auditors there for the time being, whom we will and charge to make you due allowance in this behalf by theſe our letters. Given &c. tali die &c. Sect. 570.

A Warrant to pay an annuity.

W. D. omnibus Receptoribus, Ballivis, firmariis, præpoſitis, miniſtris, & occupator' quibuſcunq; dominor' & manerior' meor' de . & L. in com' E. qui nunc ſunt, & qui pro tempore futur' erunt, Salut'. um ego præfat' W. nuper per ſcript' meum, cujus dat' eſt primo e Maii Anno &c. ordinaverim, fecerim, & conſtituerim dilect' ihi in Chriſto C. M. Seneſchall' meum omnium prædict' domior' & manerior' meor'. Habend', tenend' & occupand', officium rædict' præfat' C. per ſe, vel per ſufficientem deputat' ſuum, vel ſuffint' deputatos ſuos, quamdiu ſe bene geſſer' in eodem. Percipiend' nuatim pro officio ſuo prædict' exercend' & occupand' quatuor liis argenti, per manus Receptor', Ballivorum, firmariorum, ſeu orum officiarior' & miniſtror' dominior' & maneriorum meorum ædict' pro tempore exiſtentium, ac terminos S. Mich. arch. & P. per Sect. 571.

equales portiones, prout ſcripto prædict' plenius continetur. Vobis igitur omnibus & ſingulis receptoribus, ballivis, firmariis, præpoſit, ſeu aliis occupatoribus & miniſtris dictoꝝ domin' & maneꝝ meorum quibuſcunq; pro tempore exiſten, & in futuꝝ exiſten', & cuilibet veſtꝝ mand, oneꝝ, & firmiter injungo, qd de tempore in tempus ſolvatis, ſeu ſolvi faciatis, ſeu unus veſtrum ſolvat, ſeu ſolvi faciat p̄fat C. prædict' quatuor libras ad terminos ſuprad, ſine dilatione ulteriori juxta formam ſcript noſtri præd ſibi inde confecti: Recipiend inde de præfat C. vel de ſuo in hac parte deputato acquietantias, ſingulas ſolutiones, qua ſic feceritis teſtificantes, & per præſentes mandat meum volo, q̄ Auditores mei, vel Auditor meus domiñ & maneꝝ meoꝝ p̄d qui pro tempore fueꝝ vel ſunt: Vobis & cuilibet veſtꝝ in veſtꝝ compotis, vel in veſtꝝ compoto, de tempore in tempus de ſolut inde & qualibet inde pcel' faciant ſive faciat allocationem. In cujus rei &c.

A Warrant for a Licence to elect a Biſhop.

Sect. 572. CHariſſime conſanguinee &c. ſupplicaveꝝ nobis humilit Decā & Capitul' Eccleſiæ nr̄æ cathedꝝ de N. ut cum ſedes Ep̄alis infra Eccleſiam nr̄am cathed p̄d, & per mort̄ natural' piæ memoriæ A. B. ultim Epiſcopi ejuſd, ſit paſtoris ſolatio deſtituta, alium in locum illius Epiſcop̄ & paſtoꝝ eligendi facultatem, licentiamq; nr̄am gratioſe concedere dignaremur. Nos igitur eorum ſupplicationibus favorabiliter inclinat facultatem atque licentiam noſtram hujuſmodi duximus concedend. Quocirca vobis mandamus, quod ſub privato ſigill' noſtꝝ in cuſtodia vr̄a exiſtente literas &c. Mandant, ut ſub magno ſigillo noſtro in ejus cuſtodia exiſten, liras nr̄as patent fieri fac' in hac parte debitas, & in tali caſu conſuetas. Et hæ literæ nr̄æ, &c.

And ye ſhall underſtand, that hereupon the Chancellor of England ſhall grant them the Kings Letters Patents of licence to proceed to their election. The form whereof appeareth in the Regiſter, with which Letters Patents of licence under the great Seale, ſhall be ſent a Letter Miſſive, containing the name of the perſon to be elected, as followeth.

A Warrant for Royall aſſent.

Sect. 573. CHariſſime, &c. Vacante nuper ſede Epiſcopali infra Eccleſiam noſtꝝ Cath. de N. per mortem bonæ memoꝝ A. ultimi Epiſcopi ibidem, Decan' & Capit ejuſdem, faculꝝ nobis prius per ipſos ad alium eligend in ipſoꝝ Epiſcopum & paſtorem petita parit & obtenta, venerabilem & egregium virum C. D. in ſuum paſtorem elegerunt & nominaveꝝ. Cui nos electioni & viro ſic electo (humilibus eoꝝ intervenient ſupplicationibus) Regium noſtrum adhibemus aſſenſum pariter et favorem

vorem, eundemque electum apud vos commendatum habemus. Quocirca vobis mandamus &c.

And upon this Warrant the Lord Chancellor of England ſhall make the Kings Letters Patents of his royall aſſent, directed to the Metropolitane, to confirme and conſecrate the Lord elected: or if ye will, the words of the Patent may be ſet forth at length in the Warrant that the King ſhall ſigne, as followeth.

The certificate of royall aſſent, for the election and conſecration of a Biſhop.

REx &c. Reverendiſſimo in Chriſto patri &c. Salutem. Cum vacaverit nuper Eccleſia nra Cathedr Sanct' A. W. per mortem bonæ memoriæ dom J. C. ejuſdem Eccleſiæ dudũ Epiſcopi, Decanus, & Capitulum Eccleſiæ noſtr præd, prius licentia à nobis per eos alium eligendi in eorũ Epiſcopum & paſtorem petita pariter & obtenta, venerabilem virum A. B. in ipſorum Epiſcopum & paſtorem canonice elegerunt & nominaverunt, ſicut per eor literas quas vobis mittimus præſentibus incluſas plenius liquet. Vobis ſignificamus, quod dictæ quidem electioni, & perſonæ ſic electæ, humilibus eorum mediantibus ſupplicationibus, noſtrum Regium adhibuimus favorem pariter & aſſenſum, Et eundem electum apud vos recommendatum habemus, Quocirca vobis mandamus, quod cætera omnia quæ p vos ad confirmation' & conſecration ejuſd' in dicto Epiſcop fieri conſueverunt, ſecund' leges & ſtatut regni nri Angl' hac in parte edita & proviſa, cum favore & diligentia facere velitis, &c. In cujus, &c. Sect. 574.

If ye liſt to know further after what manner the Archbiſhops and Biſhops be at this day choſen, nominated, preſented, inveſted, and conſecrated to the dignity and office of an Archbiſhop or Biſhop, ye muſt read the Statute thereof made 25 H. 8.

A Warrant dormant for a Deere.

BE it knowne unto all men by theſe preſents, that we Sir E. S. Earle of D. & Lord of S. have given and granted, and by theſe preſents give and grant unto our welbeloved J. Y. and M. his wife one Stag and two Buckes in Summer, & one Hind and two Does in winter, yearly to be taken in two Parkes of our Iſle of A. or in the Chaſe belonging to the ſame of our gift, yearely during their lives and the longer liver of them. And we licence and give authority and power to the ſayd J. and M. and either of them during their lives, and the longer liver of them, and their ſufficient deputy, yearely in the times of ſeaſon and convenience, to go into the ſayd Parkes or Chaſe, calling the keeper or keepers thereof with them Sect. 575.

there to hunt & kill the same Deere & them to carry away at their liberty and pleasure, with such convenient number of persons as shall like them, for, and about the doing of the same: any act, statute, or other thing made to the contrary notwithstanding. And further we will, that if the said J. and P. yearely sometimes will not come themselves, nor either of them for the same: Then I will, that my keepers of the same Parke or Chase for the time being, upon a bill signed with the hand of the said J. or P. concerning the same, shall kill and deliver from yeare to yeare, to the bringer of the same letters, the said Summer Deere and Winter Deere, without any restraint or gainesaying by them or any of them, in any wise to be made or done. In witnesse &c.

A Warrant for a Bucke.

Sect. 576. WE will and charge you, that unto R. P. citizen of the City of L. or to the bringer hereof, ye deliver, or cause to be delivered, one Bucke of season, to be taken of our gift within our Parke of S. any restraint or other commandement heretofore made to the contrary notwithstanding. And these letters shall be unto you a sufficient warrant and discharge in that behalfe. Given under our signet &c.

A Warrrant for the Peace,

Sect. 577. RObertus Moore armig', unus Iustic' dom' Reginæ ad pacem in com' præd' conservand' assignat' Vic' com' pred': Necnon omnibus Ballivis, Constabular', & aliis dict' dom' Regin' Ministr' com' præd', & eorū cuilibet salutem. Quia I. T. de D. in com' pred', coram me præstitit sacrament' corporal', qd ipse de vita sua, & mutulatione membr' suor': Necnon de incendio domor' per T.L. de C. in com' præd' Yeoman, graviter & manifeste cōminat' existit. Ideo ex parte dict' dom' Regin' vobis & cuilibet vestrum mando, qd præf. T.L. corā me præf. Iustic' venire fac', seu unus vestr' venire faciat, ad inveniend' sufficient' securitat' pacis versus dict. dom. Reginā & cunctum popul' suum & præcipue versus præfat. I. T. Et si hoc grat. facer' recusaver', tunc ipsū attachiet', seu unus vestr' attachiet, & ad proxim' gaol. dict. dom. Regin' in com' præd' ducend' &c. Nullatenus omittat periculo incumbent. Dat' &c.

A Warrant to arrest a fugitive servant.

Sect. 578. R. C. servus ad legem, unus Iusticiar' dom' Regin. ad pacem, necnon ad diversas felonias, transgress. & alia malefact' in comitat' N. audiend' & terminand' assign', Ballivis hundred' de B. & T. H. Constabul' de M. in comitat' præd' salutem. Quia E. L. retentus in servic' I. T. de M. præd. sibi serviend', secundum formā & effectum statuti Servientibus

entibus editꝫ, à ſervitio I. T. ſine cauſa rationabili & licentia ipſius I. T. receſſiit (ut dicit,) Ex parte dominæ Reginꝫ vobis & cuilibet veſtrum præcipuo, quod ꝑfatꝫ E. L. ad ꝑfatꝫ I. T. Magiſtrum ſuum deſervienꝺ deliberaꝫ faciatꝫ. Et ſi hoc recuſaveꝝ, tunc eum gaolæ caſtri N. duci faciaꝫ, quouſque &c. Ita ꝙ eum habeatis coram me & ſociis meis Juſtic' dictæ dominæ Reg. in comitatu ꝑꝺ ad proximꝫ Seſſ. pacis ibidem tenenꝺ, ad faciend', & recipienꝺ ea quæ ei tunc & ibidem in hac parte objicienꝫ, Sigillo meo ſigillatꝫ. Datꝫ &c.

Warrantia ad capiend' Vagabund'.

R. C. de H. in comitatu N. unus Juſtic' domꝫ Reginæ ad pacem, nec non ad diverſ. felonꝫ, tranſgrꝫ, & alia malefactꝫ in comꝫ ꝑꝺ audienꝺ & terminannꝺ aſſign', vic' comꝫ hundredꝫ de E. ac Conſtabularꝫ villæ de W. in comꝫ prædꝫ, & eorum cuilibet ſaluꝫ &c. Ex parte domꝫ Regin' vobis & cuilibet veꝝm mando, quod attachietꝫ, ſeu unus veſtrum attachiet B. G. vagabunꝺ non ſervienꝫ, nec in ſervitio alicujus retenꝫ (ut dicit) & eum deſervire fac' I. G. ſecundum formã & effectꝫ ſtatuti de Servienꝫ editi. Et ſi hoc facere noluerꝫ, aut hæc facere recuſaveꝝ, tunc eum prox' gaolæ dictꝫ domꝫ Reginæ infra dictꝫ comꝫ duci faciatꝫ. Ita ꝙ eum habeatis, ſeu unus vꝝm habeat coram me & ſociis meis ad proximꝫ Seſſion' ipſius dictꝫ dominæ Reg. ad pacem in com' ꝑdictꝫ tenenꝺ, una cum hoc mandato. Datꝫ &c. Sect 579.

A warrant from Juſtices of Oyer to returne a Iury.

E. M. Miles & ſocii ſui Juſtic' domini Regis ad inquirenꝺ per ſacramenꝫ proborũ & legalium hominũ de Com' L. ac aliis, modis & meꝺ, ſicut melius ſciunt aut potueꝝ, tam infra libertates quam extra, ꝑ quos rei veritas melius ſciri poterit, de quibuſcunque murdrꝝ, feloniis, rioꝫ, rouꝫ, tranſgreſſ. ſeu aliis maleficiis, nocnon acceſſoꝝ eorum per quoſcunq; & qualitercunq; habitꝫ, factꝫ, perpetratꝫ, ſive commiſſis, & ꝑ quos, vel per quem, cui, vel quibus, quando, qualitꝫ, & quomodo, & de aliis articulis & circumſtanc' ꝑmiſſ. qualitercunq; concernenꝫ plenius veritaꝫ dicenꝺ, & ad eadem murdrꝝ, felon', & alia præmiſſ. audienꝺ & determinanꝺ, ſecunꝺ legem & conſuetuꝺ hujus regni Angliæ, Vicecom' L. ſalutem. Ex parte dicti dñi Regis tibi ꝓcipimus, ꝑ non omittas propter aliquam libertaꝫ in Balliva tua quint venire facꝫ coraꝫ nobis apud S. in comꝫ I. &c. viz. x. die I. prox' futurꝫ xxiiij probos & leg' homines de quolibet hundredꝫ incomꝫ tuo, ad inquirẽꝺ pro domꝫ Rege de ꝑmiſſ. &c. Et ulterius ad faciend ea quæ eis tunc & ibidem objicientur &c. Et ꝙ tu & omnes Ballivi & miniſtri tui ſint coram nobis, adtunc & ibm' ad officia veſtr & ea ꝑ vobis adtunc & ibiꝺ injungentur &c. Datꝫ. &c. Sect. 580.

A Warrant to a Bailiffe to make a Replevin.

Sect. 581. ANthonius Vic' Montague, prænobilis ordinis Garterii Miles ac capitalis Senefchall' hundred. de G. Ball' libertat. dominæ Reginæ hundredi fui prædict', falutem. Quia H.L. inven' mihi pleg' de profequend. querelam fuam verfus R. S. de placito captionis & injuftæ detentionis bonorum & catallorum fuorum, viz. xii. caract' ligni vocat' **Fagots**, necnon de returno habendo, fi retur̃ inde adjudicetur: Ideo ex parte dict' dom' Regiñ tibi mando quod bona & catalla præd', viz. vii. caract' ligni præf. H.L. replegiat' facias. Et pone per vadios & falvos pleg' præd' R. S. quod fit ad proximam curiam hundred' præd', tenend' &c. ad refpondendum præf. H.L. de placito captionis & injuftæ detentionis bonorum & catallorum fuorum præd'. Et habeas ibi hoc præceptum fub figillo officii mei, quarto die &c. Anno &c.

Indentures.

A Covenant of a Prentice.

Sect. 582. THis Indenture witneſſeth, That T. S. the ſon of J. S. of S. in the County of W. Merchant, hath put himſelf Apprentice with W. M. of S. aforeſaid, in the County of W. Taylor, and after the manner of an Apprentice with him to dwell, from the feaſt of Chriſtmas next comming after the date hereof, unto the end and term of ſeaven years then next inſuing, and fully to be complete. By all which ſaid term the ſaid T. Apprentice to the ſaid W. as his ſaid Maſter, well and faithfully ſhall ſerve, his ſecrets ſhall keep, his commandements lawfull and honeſt every where ſhall do, fornication in the houſe of his ſaid Maſter nor without he ſhall not commit, hurt to his ſaid Maſter he ſhall not do, nor conſent to be done to the value of vij. d. by the year, or above, but he to his power ſhall let, or anon his Maſter warn. Taverns or cuſtome he ſhall not haunt, but if it be about his Maſters buſineſſe there to be done. At the Dice, Cards, or any other unlawful games he ſhal not play. The goods of his ſaid Maſter inordinately he ſhall not waſt, nor them to any man lend without his Maſters licence. Matrimony with any woman within the ſaid term he ſhall not contract, nor eſpouſe, nor from his ſervice neither by day nor by night ſhall abſent or eloigne himſelf, but as a true and faithfull ſervant ought to behave himſelf, as well in words as in deed. And the ſaid W. unto the ſaid T. in the craft, myſtery, and occupation the which he uſeth, after the beſt manner that he can or may ſhall teach and inform, or cauſe to be taught and informed, as much as thereunto belongeth, or in any wiſe appertaineth,

and

and in due manner to chaſtice him, finding unto his ſaid ſervant meat, drink, linnen, woollen, hoſe, ſhooes, and all manner of things neceſſary or belonging to a Prentice of ſuch craft, to be found after the manner and cuſtome of the City of L. In witneſſe &c.

An Indenture for a Prentice.

HÆc Indentura teſtatur, qd G.H. filius W. H. de comitatu D. Husbandman, poſuit ſeipſum apprenticium E.W. Civi & Haberdaſh. ad artem ſuam qua utitur erudiend', & ſecum mor' apprentic' ſui commoratur' & deſervit' à feſto omnium Sanctorum, anno Regni Regis H. 8. &c. uſque ad finem & termin' octo annorum ex tunc prox' ſequent' plenarie complendor'. Durante quo termino præd' G. præf. E. tanquam Magiſtr' ſuo bene & fideliter deſerviet, ſecreta ſua celabit, præcepta ſua licita & honeſta, libent' ubique faciet, damn' eid' Magiſtr' ſuo non faciet nec ab aliis fieri finet, ad valor' xii. denarior' per ann' vel amplius, quin illud pro poſſe ſuo impediet, aut ſtatim dict' Magiſtr' ſuum inde præmoniet, Bona dict' Magiſtri ſui non devaſtabit, nec ea alicui illicite accommodabit, fornication' in domibus dicti Magiſtr' ſui nec extra non committet, Matrimon' non contrahet, ad talos ſeu aliqua alia joca illicit' non ludet, Tabernas non frequentabit, cum bonis ſuis propriis aut alienis durante dict' termin', ſine licentia dicti Magiſt' ſui non merchandizabit, à ſervitio ſuo prædict' non recedet, nec ſe elongabit, ſed in omnibus tanquam bonus & fidel' apprenticius benign' ſe geret & habebit per dict' termin'. Et prædict' E. apprenticium ſuum in arte ſua qua utitur, meliori modo quo ſciverit aut poter', docebit, tractabit, & informabit vel faciet informar', debit' modo caſtigand', inveniendoque omnia ſibi neceſſaria, ut veſtem, veſtit', linum, laneum, calceamenta, & lectum ſufficient' per totum dict' termin'. Et ad iſtas conventiones omnes & ſingulas ex parte dicti apprenticii ben' & fidelit' tenend' & perimplend' in forma ut ſupra idem apprentic' firmit' ſe obligat per præſent'. In cujus rei teſtimon' partes præd' his Indenturis ſigilla ſua alternatim appoſuer' M.D. tunc Majore civitatis Lond' R.H. H. S. tunc Vic' ejuſd' civitat. Dat' L. die & ann' ſupradictis. Sect. 583.

Advowſons and preſentations.

Letters to a Biſhop by the King to grant an advowſon.

RIght Reverend father in God, right truſty and right welbeloved, we greet you well. Whereas we be very deſirous (for the honeſt qualities which we underſtand to be in our welbeloved Chaplein A. B.) to ſee him Sect. 584.

him furniſhed with convenient living accordingly, we have thought good to deſire and pray you that the rather for our ſake, and at the contemplation of theſe our letters, you will forthwith under your ſufficient writing inſealed, give and grant to his behooſe, the next advowſon of the Prebend or Parſonage of N. wherein ye ſhall deſerve our right hearty thankes, &c.

A Letter by the King to the Deane and Chapter.

Sect. 585. TRuſty and welbeloved, we greet you well, being now the Biſhoprick of Hereford voyd by the tranſlation of the right Reverend father in God, our right truſty & right welbeloved Chancellor the late Biſh. of the ſame, unto the Biſhoprick of L. We having reſpect unto the honeſt qualities, vertue, and learning of our truſty and welbeloved Chaplaine Maſter Doctor N. our Almoner, have named and appointed him unto the ſame Biſhoprick: Wherefore we will and command you, that forthwith upon the receipt hereof, ye proceed to the election of him, according unto the tenor and purport of our lawes and ſtatutes in that behalfe made and provided, and the ſame ſo elected, to certifie accordingly. And theſe our letters ſhall be your ſufficient warrant and diſcharge in that behalfe. Given under our Signet &c. the xvii. &c.

The Kings Leters miſſive to a Deane and Chapter for an Advowſon.

Sect. 586. TRuſty and welbeloved, we greet you well. Foraſmuch as we much tender the convenient preferment of our welbeloved ſervant A. B. to the intent he may be the more incouraged, and alſo the more able to proſecute, and finally to accompliſh the effect and purpoſe of his learning: We have thought it meet by theſe our letters to deſire and pray you, that for our ſake ye will immediately upon the ſight hereof under your Chapter ſeale conferre and give the next advowſon of the Prebend of C. or of the next Prebend in that our Church, which ſhall be in your gift and diſpoſition to ſuch perſons as our ſayd ſervant ſhall name to his uſe and behoof, wherein you ſhall miniſter unto us, a right acceptable pleaſure, to be hereafter remembred in any our lawfull ſuits, when occaſion ſhall thereunto ſerve accordingly. Given under &c.

Letters by the King to a Biſhop, for collation of a Benefice.

Sect. 587. RIght Reverend father in God, right truſty, & right welbeloved, we greet you well. And whereas we be credibly informed, that the benefice of N. is now voyd, and in your gift and collation, we much tendering the preferment of our welbeloved Chaplaine A. B. deſire and pray you, that for our ſake, and upon the ſight of theſe our letters, ye will

give

give & confer the ſaid benefice unto our ſaid Chaplaine, whereby you ſhall doe unto us a very great pleaſure, which we ſhall not faile to remember when occaſion ſhall be offered unto the ſame accordingly. Given &c.

A Letter of collation between ſubjects.

IN my right hearty manner I commend me unto you. Foraſmuch as I underſtand, that the benefice of N. (which ſuch a parſon now enjoyeth, or which is now voyd,) is of your gift and patronage. Theſe ſhall be inſtantly to deſire and pray you, that ye will vouchſafe to grant me the next Advowſon thereof, for to beſtow upon ſuch a one, as I ſhall thereunto preſent. (Or if the benefice be already voyd, yee may write) That ye will do ſo much, as for my ſake to preſent A.B. to the ſame, who is my very loving friend, and ſuch a perſon, as both for his learning and good manners is very meet for the ſame, which doing, ye ſhall do unto me a ſpeciall pleaſure, and give me cauſe to requite the ſame with thankes according. And of your reſolute mind herein, I pray you that I may be advertiſed by the bringer hereof. Thus fare you heartily well. From London &c. Sect. 588.

A preſentation to a Parſonage.

REverendo in Chriſto patri W. divina permiſſione C. & Lich. Epiſcopo, F. C. armig' verus & indubitatus patronus rectoriæ Eccleſiæ parochiæ de K. in comitatu D. ſalutem in dom' ſempiternam &c. Ad Eccleſ. de R. prædict' veſtr' dioceſ. modo per mortem H. C. ultimi incumbentis ibidem jam vacant', & ad meam præſentationem pleno jure ſpectant' dilectum mihi in Chriſto W. W. cleric' veſtræ paternitati præſent', humiliter rogans quatenus præf. W. ad dictam Eccleſiam admittere, ipſumq; Rectorem ejuſdē Eccleſiæ inſtitui & induci facere, cum ſuis jurib. & pertinen' univerſis: Cæteraq; peragere & adimplere quæ veſtro in hac parte incumbunt officio paſtorali dignemini cum favore. In cujus rei teſtimoniū præſentibus ſigillum meum appoſui. Dat̄ &c. Sect. 589.

A preſentation to an Archdeacon.

REx &c. Venerabili viro domin' W. R. Archidiacono R. ejuſve in abſentia vicario in ſpiritualibus generali, ſalut̄. Ad vicariam de L. vræ juriſdictionis modo per mort̄ ultimi incumbentis ibm' vacantem, atque ad noſtram donationem pleno jure ſpectan' dilect̄ Capellanum noſtrum A. B. clericum vobis præſentamus, requirentes quatenus præfat' A. ad vicariam prædict' admittere, ipſumque vicarium in eadem inſtituere, cum omnibus ſuis juribus & pertinen' univerſis: Cæteraque &c. (*ut ſupra*) In cujus rei &c. Sect. 590.

A

A Prebend in Windſor.

Sect. 591. REx &c. Sciatis qd nos ex gratia noſtra ſpeciali &c. dedimus & conceſſimus, ac tenore præſentium damus & concedimus dilect' Cappellano noſtro A. B. ſacræ theologiæ Bacchalario, (or if he be Doctor, profeſſori) canonicatum ſive prebend' infra Eccleſiam noſtram Collegiat' ſive liber' Capellam noſtram Regiam Sancti Georgii, infra Caſtrum noſtr' de Windſor', modo per &c. vacantem, atque ad noſtram donationem pleno jure ſpectant. Habend' & tenend' Canonicat' ſive Prebend' p̄d' praf. A. B. durante vita ejus naturali, cum omnibus ſuis juribus & pertinen' univerſis. In cujus rei &c.

A Preſentation to a Prebend.

Sect. 592. REx &c. Reverendo in Chriſto patri W. Menevenſi Epiſcopo, ejuſve in abſentia vicario in ſpiritualibus generali, aut alicuicunque poteſtatem ſufficient', ex in parte habenti, ſalut'. Ad Canonicatum in eccleſia collegiata de N. v̄æ dioceſis & prebend' de C. in ead' per liberam reſignation' A. B. ultimi incumbentis & poſſeſſoris eorund' jam vacantem & ad noſtram donation' ratione prærogat' noſtr' Regiæ ſpectant', dilect' nobis in Chriſto I. T. in artibus magiſtrum cleric', vobis præſentamus intuitu charitatis: Volentes & requirentes quatenus præfat' I. ad dict' canonicatum & prebendam admittere, ipſumq; canonicum & præbendarium eorund', ac in eiſd' cum ſuis juribus & pertinen' univerſis rite & legitime inſtituere: Cæteraq; &c. (*ut ſupra*) In cujus rei &c.

A Preſentation to a Parſonage.

Sect. 593 REx Reverendiſſimo in Chriſto patri & dño dño E. p̄miſſione divina Ebor' Archiepiſcopo Angl' primati, & Metropolitano, ejuſve in abſentia Vicario in rebus eccleſiaſticis generali, ſalutem. Ac eccleſiam parochialem de N. veſtræ dioceſis modo per mortem ultimi incumbentis ibidem vacant', & ad noſtram donationem pleno jure ſpectant', dilectum capellanum noſtrum A. B. clericum intuitu charitatis vobis præſentamus. Mandantes uti dictum A. capellanum noſtrum ad præf. eccleſiam admittere, eumq; rectorem ejuſdem inſtituere, cum ſuis juribus & pertinen' univerſis, cæteraque expedire & peragere quæ veſtr' in hac parte incumbent officio munerique paſtorali, velitis cum favore. In cujus &c.

A preſentation to a Chauntery.

Sect. 594. REx Reverendiſſimo in Chriſto patri E. L. Epiſcopo, ejuſve vicario in ſpiritualibus generali, ſalutem. Ad cantarium beatæ Mariæ virginis,

ginis, in eccleſia parochial' Sancti O. veſtræ dioceſis jam vacaneem & ad noſtram donation' ſpectantem, dilectum nobis in Chriſto I. H. cleric' vobis præſentamus: rogantes quatenus ipſum I. ad cantariam prædict' admittatis & inſtituatis in eadem. In cujus &c. *The forme of a preſentation is of a Chappell, whether it be of the Kings patronage, or of a ſubject,* Mutatis mutandis.

A preſentation to a Parſonage or Vicarage by a Maſter of an Hoſpitall and his brethren, or by a Dean and Chapter, or ſuch other.

REverendo in Chriſto patri & domino domino N. permiſſion' divina, C. & Lich. Epiſcopo, ejuſve vicario in ſpiritualibus generali, veſter humilis & devotus frater R. T. Magiſter hoſpitalis N. & ejuſd' confratres, ſive Decanus collegii de N. capitulum ejuſd' &c. Lincoln' dioceſis, omnimodo reverenᵗ tanto patri debitam, Ad perpetuam vicariam Eccleſiæ parochial' de N. veſtræ dioceſis jam per mortem C. D. ultimi vicarii ejuſd' vacant', ad noſtramque præſentationem pleno jure ſpectant', dilectum nobis in Chriſto I. B. ſacræ Theologiæ profeſſorem paternitati veſtræ præſentamus, humiliter ſupplicantes præf. I. ad dictam vicariam admittere, ipſumque in eadem canonice inſtituere, cæteraque &c. *ut ſupra*, In cujus &c. Sect. 595.

A Preſentation to a Parſonage poſt mortem incumbentis by a Deane.

REverendo in Chriſto patri & domino W. divina permiſſion' C. & L. Epiſcopo, ejuſve vicario in ſpiritualibus generali, veſter humilis & devotus W. W. ſacræ Theologiæ bacchalarius Decanus Eccleſiæ Cath. beatæ M. verus & indubitatus patronus rectoꝛ Eccleſiæ paroch. de B. in com D. C. & L. dioc' omnimod' reverent' tanto patri debitᵗ. Ad eccleſiam parochial' de B. veſt' dioceſ. modo per mortem ultimi incumbentis ejuſdem vacant', & ad meam preſentationem pleno jure ſpectant', dilectum nobis in Chriſto T. P. clericum paternitati veſtᵗ præſento, humiliter ſupplicans ut præfat' T. P. ad dictam eccleſiam &c. *ut ſupra*, In cujus rei &c. Sect. 596.

A grant of an Advowſon.

OMnibus Chriſti fidelibus &c. R. S. Salutem &c. Cum T. B. per ſcriptum ſuum geren' dat' xviij. die S. Anno domini 1556. anniſque Regnoꝛ &c. dederit, conceſſerit, & ſcripto illo confirmaverit, G. B. & M. W. cleric', primam & prox' advocationem, donationem, nominaᵗ, præſentationem, & liberam diſpoſitionem Rectoriæ ſive eccleſiæ paro- Sect. 597.

parochial' de G. in comit N. proprim & unica vice tantum, quæ de suo patronat extitisset (prout per idem script plenius liquet & apparet.) Cumque pd G.B. & M. W. tam ad specialem instantiam, requisition', & desiderium E. B. sacræ theologiæ doctoris, quam pro diversis aliis bonis & rationalibus causis & considerationibus eos specialit moventibus per script suum geren' dat primo die Ja. ann' domini 1563. anno regni &c. dederunt, concesserunt, & per script suum confirmaverunt E.B. execut' vel assign' suis dict' primam & proxim advocationem, donation', præsentation', & liber disposition' dict' rector ecclesiæ parochial' de G. in com N. pro prima & unica vice tantum, (prout per idem script plenius liquet & apparet) Cumque idem E.B. pro diversis causis & considerationibus eum specialiter moventibus, per script suum gerens dat vicesimo primo die S. anno domini 1163. anno regni reg' &c. dederit, concesserit, & scripto illo confirmaverit mihi præfat' R.S. execut & assign' meis eand' primam & prox' advocationem, nomination', præsentationem, & liberam disposition' ejusdem Rector eccles. parochial' de G. in dicto Comitatu N. pro prima & unica vice tantum (prout per scriptum illud plenius liquet & apparet.) Sciatis me præfat R. S. pro diversis bonis causis & considerat me specialit moventibus, dedisse, concessisse, & hoc præsenti scripto meo confirmasse A. M. prædict primam & proxim' advocation', sive vacation, ac plenam donation, collation', nomination, præsentation, & liberam disposition dict Rector sive ecclesiæ parochial' de G. in dict com W. cum prim & prox' post dat præsentium vacare contigerit, ac jus præsentandi ad eand Rector sive ecclesiam parochial' qualitercunque, sive per mortem, resignationem, cessionem, demission, seu aliquo aliquo alio modo quocunque primo & proxim vacare contingen pro prima & unica vice tantum. Ita qd bene liceat & licit erit præfat A. M. execut & assign suis cum dicta Rector (sic ut præmittitur) vacare contigerit, personam idoneam quam ei aut eorum alicui placuerit, ad dict Rectoriam loci ordinario sive diocesano nominare & præsentar, eumque in ead institui facere, cæterque omnia facer & perimplere in ea parte requisit, necess. & consuet, quousque virtute præsentationis illius unus ad præsentation ipsius A. M. execut vel assign suorum ad plenam & pacificam possession prædict Rector sive ecclesiæ parochial' fuerit admissus, institutus & inductus, in tam amplis modo & forma, prout ego præfat R. S. potui vel execut sive assign mei potuer, si hæc præsens concessio non fuerit. In cujus &c.

Notes

Notes touching Presentations. Sect. 598.

If a Church be void by resignation, then ye shall say.

Modo per liberam & spontaneam resignationem A. B. ultimi Incumbentis ejusdem, vacant', &c.

If by attainder, then thus.

Per attinctur am A. B. ultimi incumbentis ibidem, qui de alta proditione nuper attinctus fuit vacant'. *Et sic de consimilibus.*

Also ye shall understand, that the Kings Majesty hath as the case requireth, sundry Titles to present, for sometime he presenteth by his Prerogative Royall, and then ye shall say.

Et ad nostram donation', ratione prærogativæ nostræ Regiæ spectantem.

Sometime by reason that the Temporalties of a Bishoprick be in his hands, and then ye shall say.

Ratione temporalium Episcopatus N. in manibus nostris existentium.

Sometime his Grace presenteth by the grant of an Advowson of another man, and then ye shall say.

Ratione concessionis A. B. cum idem A. primam & proximam advocationem ejusd' nobis largitus est, &c.

And if the manor whereunto th'advowson is appendant be parcell of the Duchy of Lancaster, then ye shall say.

Et ad nostram donation' ration' Ducatus nostr' Lancastr' spectant', &c. *Et sic de reliquis.*

In a presentation by this word Eccles. parochial', is intended always a Parsonage: Howbeit now adays many be wont to write, Ad Rectoriam Ecclesiæ parochialis de N. But if the presentation be to a vicarage, then may ye not say ad Eccl' but ad Vicar'. And the presentment to a vicarage appertaineth of common right to the Parson, for the Vicar in effect is but the Parsons deputy: Howbeit the Parson with assent of his Patron and Ordinary may grant away the Patronage of the Vicarage from him and his successors to another man and his heirs or successors for ever. Sometime one man hath the nomination to a benefice, and another the presentation: In which case he that hath the presentation can present no other person to the Ordinary, but such as the other man shall name by his sufficient writting under seale. Also the King shall joyn with no man in presentment, but shall have the whole presentment alone in all cases.

And if the King be intituled by reason of the custody of his ward, then

ye

ye ſhall ſay: Et ad noſtram donationem ratione cuſtod' terræ & hæred' ejuſd' Comitis de A. defuncti, & qui de nobis tenuit in capite, & in manu noſtra exiſtentis, ſpectant'.

And if the King bee intituled by reaſon of the temporality and poſſeſſions of an Archbiſhopricke or Biſhopricke, being in the time of vacation in his hands, then ye ſhall ſay in the preſentation: Et quæ ad noſtrā ſpectat donation' ratione Epiſcopat' Cantuar' jam vacant', & in manu noſtra exiſten': Or, ratione vacātis ſedis Cant' & temporalium ejuſd', jam de jure & facto vacant', & in manibus noſtris exiſtentium &c.

Finally, concerning Chanteries, Free chappels, and Prebends, ye ſhall obſerve and know, that ſome be preſentative and ſome donative. Preſentatives, be of ſuch nature, that ye cannot conferre them but by way of preſentation to the Ordinary, the forme whereof is ſet forth before. But Chanteries, Free chappels, and Prebends donative, be of that nature, that yee need not to preſent the perſon to whom ye will conferre the ſame to the Ordinary, but it ſufficeth to give the ſame by your charter of grant under your ſeale: The forme whereof enſueth hereafter. But take heed ye preſent not your Clerk to the Ordinary unto that which is donative by your letters patents, for if you doe, the nature is changed, and you can no more make collation of it, but you muſt needs now preſent your Clerke to the Ordinary, which if you do not within ſix moneths, the Ordinary may take advantage of the Laps.

A Preſentation Sede vacante.

Sect. 599 HEnricus &c. et in terra Eccleſiæ Anglicanæ & Hiberñ ſuprem' capput, ac verus & indubitat' patronus Rectoriæ ſive Eccleſiæ parochial' de N. in com' nro S. B. & dioceſ. ipſa ſede B. & W. jam vacante, Reverendiſsimo in Chriſto patri T. Cant' Archiep', totius Angl' primati, ejuſvè in abſentia vicario dict' ſedis in ſpiritualibus generali, Salut'. Ad dict' Rector' ſive Eccleſiam parochialem de N. modo vacantem &c.

A Significavit to the Metropolitane upon a new foundation of a Biſhopricke.

Sect. 600. REx Reverendiſſ. &c. Cum nos novam ſedem Epiſcopal' infra Eccleſiam nr̄am Cathedral' ſanct' P. W. nuper fundaverimus et erexerimus, ac dilect' conſiliar' noſtr' T. T. ad Epiſcop' ill' nominaverimus & præfecerimus, ipſumq; in Epum loci illius & paſtoral' ordinaverimus, & conſtituerimus, hoc vobis tenore p̄ſentiū duximus ſignificandum: rogantes, ac in fide & dilectione, quibus nobis tenimini, firmit' vobis

vobis mandantes quatenus præfat' T. T. in Episcopatum W. consecrare, ipsumque, prout moris est, Episcopalibus insigniis investire, cæteraque &c. (*ut supra*) In cujus rei testimon' &c.

Resignations.

A Resignation of a Benefice.

THis Indenture made &c. Between S. late Parson of the parish Church and Parsonage of P. in the County of C. and in the diocesse of E. on the one party, and I. B. aforesaid Priest on the other party, Witnesseth, That where the said S. at the instance of the said I. hath resigned his said Parish Church and Parsonage into the Ordinaries hands of the same, the intent that the said Ordinary shall institute and induct the said I. Parson of the said parish Church and Parsonage, whereupon it is covenanted and concluded, and fully agreed between the said parties, and either of them covenanteth and granteth, to, and with the other of them by this Indenture, in manner and form following: that is to wit, the said I. for him &c. that the same I. at such time after he shall be lawfully instituted and inducted Parson of the said Parish Church and Parsonage, shal make or cause to be made to the said S. such a good, sure, sufficient, and a lawfull bond, as shall be reasonably advised, or devised by the said S. or his learned counsell, for the assurance, surety, and sure payment of an annuall pension of v. li. &c. to be paid to the said S. or his assignes, upon the font stone in the body of the Cathedrall Church of saint P. in L. at two terms of the year: that is to wit, on the day of &c. and from year to year, one after another, then next and immediately following, during the life naturall of the said S. the first term of payment thereof to begin on the day of All Saints now next comming. And also that the said I. and his executors, at all and every time and times hereafter, shall clearly acquit, discharge, and save harmlesse the said S. and his executors, and every of them, as well against the Queen our Soveraign Lady, as against all and every other person or persons, of, and for all manner of Dismes, Subsidies, Cares, and Tallages, and all other charges whatsoever they be, going and due to be paid and born out, of, and for the said benefice. And furthermore, the said I. covenanteth and granteth, to and with the said S. by these presents, that the same I. within ten days, next and immediately after that he shall be so instituted and inducted, shall by his deed sufficient in the law, clearly remit and release unto the said S. all, and all manner actions, suits, quarrels, debts, debates, accompts, trespasses, injuries, and demands, whatsoever they be, which against the said S. and his executors

Sect. 601.

ever

ever he hath had, now hath, or hereafter shall have, as well by reason of dilapidations of the said Church and Parsonage, as by any other reason or cause, from the beginning of the world unto the day of the date of the said letters of acquittance. And furthermore, the said J. for him &c. that the said J. or his assignes, before the feast of &c. shall deliver or cause to be delivered to the said S. or his assignes, a good, sure, sufficient, and a lawfull decree, under the seal of the said Ordinary, whereby, or wherewith the said parish Church shall stand & be sufficiently charged and bound for the assurance and sure payment of the said yearly pension of v. li. to be payed by the said S. or his assignes, during the life naturall of the said S. after the forme aboveſaid. And also the said J. covenanteth &c. that in case one T. H. one of the Patrons of the said benefice, his heirs, or assignes, doe not seal the presentation, whereby the said J. should be presented Parson of the said parish Church and Parsonage: that then the said S. shall be restored again to his said benefice without any let, gainsaying, or interruption of the said J. or anyother person or persons, by, or for him: the foresaid resignation, or any other covenant above specified to the contrary in any wise notwithstanding. And the said S. for him, &c. that if the said J. well and truly perform, observe and keep, all and every the covenants, grants, promises and payments aboveſaid, which on his part are to be performed, observed, fulfilled, and kept, in manner and form above rehearsed: that then an obligation of the date of these presents, wherein the said J. and one W. B. be joyntly bound to the said Simon in CC. Marks &c. shall be voyd and had for nought, or else it shall stand in full strength and vertue, In witnesse &c.

A Presentation to a Parsonage void by Resignation.

Sect. 602. REverendo in Christo patri & dom' E. permissione divina L. episcopo ejusve in spiritualibus Vicar' generali Cancell', vester humilis & devotus W. M. custos R. C. filii & hæredis R. C. Necnon custos maner' de H. cum pertin', omnimodas reverentias & obediências tanto pri debitas cum honor: Ad medietatem ecclesiæ paroch. de H. quam nuper obtinuit Magister I. V. in eadem eccles, paroch' vræ L. diocef. ac per liberam resignat ejusd' Magist' I. V. vacantem, & ad meam præsentae' ration' minoris ætatis prædict' R. C. spectan', dilectum mihi in Xto Mr̃m T. H. in legibus Bachalaureum paternitat' vræ reverend' charitatis intuitu præsento humil' & devote supplicans quatenus eund' Mr̃ T. H. ad medietat' antedict' admittere ipsumq; rector in ead' cum suis juribus & pertinen' universis canonice instituere, Cæteraq; &c.

Copies

Copies of Court Roll.

What a Copiholder is.

TEnant by Copie of Court Roll, is he which is admitted Tenant of any Lands or Tenements within a Mannour, that time out of the memorie of man, by the uſe and cuſtome of the ſayd Mannour, have been demiſable, and demiſed to ſuch as take the ſame in fee, fee taile, for life, yeares, or at will according to the cuſtome of the ſayd Mannour, by Copie of Court Roll of the ſame Mannour. And therefore they bee called Tenants by Copie of Court Roll, becauſe they have no other Writings or Evidence concerning ſuch their Lands and Tenements, but onely the Copies of the Rolles of the Courts of the Mannours, within which they lie. And in ancient time, as Maſter *Fitzherbert* ſaith in his *Natura Brevium fol.* 12. they were called Tenants in vilenage, or in baſe tenure, or by the Virge. And in the Saxons times before the Conqueſt, ſuch lands were called *Folkland*. At which time Chart. lands were termed *Bocklands*, Maſter *Kitchin fol.* 128.b, and Copies of Court Rolls be ſuch inſtruments as doe containe the Surrenders, Preſentations, Admittances, or other acts entred in the Rolls of the Court, within which ſuch cuſtomary lands lie and concerne the eſtates thereof, and be exemplified out of the ſame Rols in forme following, *videlicet*. Sect. 603.

Sheffeld. Curia parva prænobilis G. Comitis Salop. &c. Manerii ſui præd, tent' ibm. x. die Septemb. Anno Regni dom. noſtr. Elizabeth. dei gratia Angliæ, Franciæ, & Hibern. Regin. fidei defenſor. &c. 36. *The like Stile muſt be in the head of all Copies.*

AD hanc cur̃ ven' A. de B. & ſurſum redd' in ead. cur' unum meſuag &c. in manus dom̃, ad uſum C. de D. & hæred ſuorum, vel hæred. de corpore ſuo exeunt̃ (vel) pro termino vit' ſuæ &c. Et ſuper hoc venit præd. C. de D. & cepit de dom. in eadem cur̃ meſuag' præd. &c. Habend. & tenend. ſibi & hæred̃ ſuis (vel) ſibi & hæred̃ de corpore ſuo exeunt̃ (vel) ſibi ad termin̄ vitæ &c. ad voluntatem dom̃, ſecund. conſuetudinem manerii prædict': Faciend̃ & reddend̃ inde redd̃, ſervitia & conſuetud̃ inde prius debita, & de jure conſueta &c. Et dat̃ domino de fine &c. Et fecit domino fidelitatem. Et admiſſus eſt inde tenus &c. Sect. 604.

Instructions for the making of Surrenders and Copies.

Sect. 605. FIrst note, that all the customes, fines, rents, and services which copiholders ought to doe, be certainly set downe in their copies.

And that the lands be certainly bounded. And in like manner of all Mines of Lead, Oze, Tinne, Yron, stone, coales, and quarries, and such like, and all intakes, inclosures, and approvements.

If the party admitted tenant be within age, his fealty must be respected till he be of the full age of 21. yeares, and so entred in the Roll and Copie.

Such estate, agreements, covenants, and conditions, may be made of copihold lands, by Copie, as are made of Charter lands by deed, Mutatis mutandis.

If the old Copies chance to be lost or destroied, the Steward may make new according to the ancient Court Rolls.

Surrenders may be made in Court, and by the customes of divers Seigniories, the same may be made out of the Court to the Steward, Bailife or Reeve of the Manor, or to one, two, or more Copiholders of the same Manor, or before two honest men of the same Seignior, & then the same must be presented at the next Court, or some other Court of the same Manor, as the custome thereof is.

By the custome of some Manors, Surrenders and admittances of Copiholders may be made by Atturney, by vertue of letters of Atturney.

In some manors, the tenants have the lands granted unto them & their heires in fee, fee taile, or for life, or yeares, according to the custome of the manor: And not at the will of the Lord, according to the custome: In which case the Rolls and Copies ought to be made accordingly.

Within some manors the Copies have used to be sealed with the seale of the Steward, and in some not.

In every case, the custome of the manors must be diligently inquired of, and duly observed by such as make surrenders, and copies.

It is very good to have in every severall Manor a Customary, faire ingrossed in parchment, of all the customes fines, duties, estates, and services, and other circumstances concerning the Copihold lands within the same Manor.

Item such estate in fee, fee taile, for life or lives, yeares, or at will absolute or conditionall, may be limited as well by Copy, as by Charter, Mutatis mutandis.

Item the names and additions of persons and lands, and other circumstances of time and place may be so set downe in Copies, as in Charters, Mutatis mutandis: and the same to be agreed to by all the customary te-

nants

nants of the ſame Manor, with aſſent of the Lord of the manor, and to be preſented by the Homage upon their oaths, and entred in the Rols of the Court thereof, for the certain information of the Lord and his tenants, or that ought to be given, taken, done, or demanded for the ſame.

Item the ſame reſervations of rents, cuſtoms, ſervices, heriots, diſſeiſins, reentries, and other things, may be contained in the Copies as they be in Charters, Mutatis mutandis.

A Copy where the heire is admitted.

AD hanc Cur̃ compert̃ eſt per homag', qd ante hanc cur̃ I. B. qui de dom. tenuit ſecund' conſ. man̄ præd' ſibi & hær̃ ſuis, unum tenement̃ voc' E. obiit inde ſeiſit̃, & qd R. B. eſt ejus filius & prox' hæres & plenæ ætat̃ tempor̃ patris ſui, *vel infra ætat̃, viz. xii. annorum, & in cuſtodia &c. fratris ſui, vel conſanguinei ejus,* & præſens in hac cur̃ petit admitti, & admiſſus eſt inde tenens, Tenend' &c. Sect. 606.

A Copy of an admittance in fee.

AD hanc cur̃ ven̄ I. T. & rurſum redd' in manus dom̄ x, acr̃ terr̃ cuſtomar̃, ad opus & uſum R. B. gen̄ hæred' & aſſig' ſuor̃ imperpet̃ per virgam ad voluntat̃ dom̄, ſecund' conſ. maner̃ præd', cui quidem R. B. dom. per Seneſc' ſuum conceſſit inde ſeiſin̄; Habend' ſibi & hær̃ ſuis imperpet̃ de dom' per redd' x.s. per annum. Et dat̃ &c. Et fecit &c. Sect. 607.

A Surrender upon Condition.

AD hanc cur̃ &c. venit I. B. & ſurſũ redd' &c. *ut ſupra,* ad opus & uſum I. D. & hær̃ ſuor̃ &c. ſub conditionibus ſequent̃, viz. ſi præd' I. ſolvat, aut ſolvi faciat præf. I. C. xl.s. ad feſtum ſancti Io. Bap. & oĩm ſanctor̃ prox' futur̃ poſt dat̃ hujus cur̃ æquis portion' qd tunc præſens ſurſum redd' ſit in ſuo robore & effect'. Et ſi ipſe defecerit in ſolutione præd' in part̃ vel toto, qd extunc bene licebit præf. I. C. & aſſign' ſuis in tenemen' præd' intrare, eademq; rehabere in priſtino ſuo ſtat̃: iſta ſurſum redd' in aliquo non obſtante, & dat̃ &c. *ut ſupra.* Sect. 608.

A Surrender unto the Bailife out of the Court.

AD hanc cur̃ &c, compert̃ eſt &c. qd T.G. extra cur̃ ſurſum redd' in manus I. D. Balivi iſtius maner̃, in præſentia D. R. & alior̃ tenentium dom. hujus maner̃ hoc teſtantium, unam acr̃ terr̃ &c. Ad opus W.I. cui dominus &c. *ut ſupra.* Sect. 609.

A Copie after a ſeiſure.

Sect. 610. AD Curiam apud S. A. tenť (tertio die &c.) præceptum fuit ballivo ſeiſire in manus domń, eo qd ipſe alienaverit, & vendidit dict' tenť cuidam T. V. ſine licentia domń &c. & inde reſpondebit dom. de exitibus quouſque &c. & quod in iſta eadem Curť, dom. ex ſua graťſpeciali conceſſit dictum tenementum cum pertin. & ſeiſinā inde præf. I. B. Habendum &c. *ut ſupra.*

A Grant in fee by the Lord.

Sect. 611. AD hanc curť dom. per Seneſ. ſuum conceſſit extra manus ſuas T. D. & A. uxoř ejus unū meſuag. &c. quibus dom. per ſeneſchal' ſuum prædict. conceſſit ſeiſiñ. Habend. ſibi & hæřſuis imperpeťt &c.

A Surrender of Land by the Virge.

Sect. 612. AD curť &c. veñ T. B. & ſurſum redd. &c. ad opus & uſum I. L. &c. qui præſens hic in curť admitti petit ad præmiſſ. cui dom. &c. Habend & tenendť &c. per virgam &c. *ut ſupra.*

A Surrender of a Reverſion.

Sect. 613. AD hanc curť &c. Homag. præſenť, qd H. H. qui de domń tenuit ſibi & hæřſuis reverſioñ unius clauſi paſturť &c. infra iſtud manerť, quoř I. H. mat. præd. H. H. vid. eſt tenens ad termin. vit ſuæ, diem clauſit extremń poſt ult. curť. Et quod R. H. eſt ejus avunculus & prox. hæřſcz. fra. T. H. patris præd. H. H. & plen' ætatis, qui præſens hic in curť petit admitti ad reverſion. tentor præd I. H. mart. dict. H. H. cum acciderit ut ſuprad' eſt cui dom. &c. poſt mort. &c. *ut ſupra.*

A Copie in ancient demeſne, where the wife ſhall be examined.

Sect. 614. DAle &c. Ad Cur. &c. T. B. de N. & E. uxor ejus hic in plen' curť, quæ quid. ſola ac ſeorſū per Seneſ. examinat. & confeſſa ſurſum red ,&c. qd nec metu, nec vi coacta, nec dolo circumuenť, ſed ſcient. & mera & ſpontanea voluntat. ſua motuq; ad opus W. C. unde ex conſuetudin. manerii præd' accipit dom. unus equus de herioť. Et ſuper hoc ven. dict' W. C. & cepit de dom. dicť meſuag. &c. *ut ſupra.*

A Copie in ancient demeſne with Proclamations.

Sect. 615. AD hanc Curť &c. A. C. venit, & ſurſum reddidť &c. ad opus T. H. hæredť & aſſignaťſuorum imperpetum, virtute barganiæ ſive pactionis inter eos factæ. Et ſuper hoc publica Proclamatio in eadem curť facta fuit, quod ſi quis aliquod jus ſeu titul' ad idem meſuagium &c. pretendere

tendere voluit vel haberet, veniret & audiret, Et nullus venit ad hanc cur', per quod ſecundum conſuetud' manerii prædict' meſuag' &c. remanerent in manibus dom. uſque ad tertiam proclam' ſuper eiſd' factam. Et ſuper hoc dies data eſt partibus præd' eſſendi ad prox' cur' maner' præd' ad audiend' inde judicium ſuum, de & ſuper præmiſſis.

Et ad hanc cur' &c. tam prædict' A. A. quam præd' T. H. venerunt, Et ſuper hoc ſecunda proclamatio facta fuit ſuper præmiſſ. qd ſi aliquis &c. *ut ſupra*, & nullus venit. Et ſuper hoc dies dat' eſt partibus prædict' &c. *ut ſupra*.

Et ad hanc cur' &c. tam præd' A. A. quam præd' T. H. venerunt, Et ſuper hoc tertia proclamatio facta fuit ſuper præmiſſ. qd ſi aliquis &c. *ut ſupra*, & nullus ad hanc venit.

Et ſuper hoc dom' per W. H. Seneſchall' ſuum conceſſit ſeiſinam ſuam de præd' meſuagio &c. præf. T. H. tenend' ſibi & aſſign' ſuis ſecund' conſuetud' maner' præd'. Et dat' dom. de fine pro ingreſſu &c. Et admiſſus eſt inde tenens, & fecit fidelitatem &c.

A Copy in taile with remainders.

AD hanc cur' compert' eſt quod R. B. de A. ad cur' tentam &c. ſurſum reddidit in manus domini unum tenementum &c. ad opus R. C. filii ejuſdem R. & A. uxoris ſuæ, quibus dominus conceſſit ſeiſin', tenend' ſibi & hær' de corporibus eorum legitime procreatis. Et ſi prædict' R. & A. uxor ejus ſine hæred' de corporibus eorum legit' procreatis obierint quod tunc prædict' tenement' cum ſuis pertin' remaneant rect' hæred' ipſius R. B. Et modo cur' iſta informat' per totum homag' quod prædict' R. & A. obierint ſine hæred' inter eos procreat', & prædict' R. B. ſimilit'. Et ſuper hoc venit I. B. frater & hæres prædict' R. B. & petit admitti & admiſſus eſt tenens &c. Et per licentiam domini præfat' I. B. petit admitti ad tenementum prædict' cum pertin', cui dominus inde conceſſit ſeiſinam tenend' ad voluntatem domini ſecund' conſuet' &c. Et dat' domino &c. Sect. 616.

A Surrender out of a Court.

AD hanc cur' &c. compertum eſt per Homagium, quod R. R. tenens cuſtomarius hujus Manerii, extra cur' ſurſum redd' in manus domini, per manus W. T. & R. M. duorum cuſtomar' tenent', hujus manerii, ſecd'm conſuetudinem hujus manerii extra cur', totum illud meſuag' &c. ad opus & uſum dicti R. R. pro term' vitæ ſuæ naturalis. Et poſt deceſſum dict' R. R. tunc ad opus & uſum T. B. & hæred' de corpore dict' T. legitime procreator', Et pro defectu talis exitus de corpore T. B. legitim' procreat', rem' inde I. I. filio R. I. gener' hæred' & aſſig' ſuis imperpet'. Et dic' quod præd R. obiit, & nunc ad iſtam cur' præd' T. B. Sect. 617.

venit, & petit admitti ad omnia & singul' præmiss. præd'. Et ad hanc cur' dom. per I.K. seneschal' suum concessit inde ei seisinam per virgam. Habendum & tenendum eidem T. B. & hæred' de corpore suo legitime procreat'. Et pro defectu talis exitus remaner' ad opus & usum dict' I.I. & hæred' suorum imperpetuum. Et præd' T. B. dedit dom. &c. Et admissus est inde tenus.

A Surrender before the Steward out of the Court.

Sect. 618. AD hanc cur' testatum est per W. T. seneschal' qd W. N. in extremis jacens decimo die A. anno reg. dict' dom. Reg. 54. sursum redd' in manus dom' per manus ejusd' Senes. (absente cur') in præsent' R.C.R.P. & C.H. unum tenement' &c. ad opus & usum M. uxor' suæ, pro term' vitæ, & post decessum ipsius M. manere W. T. filio præd' W. patris, & E. filiæ ejusdem W. patris ac soror' prædict' W. filiis & hæred' suis, sub conditione tamen sequent': Quod si contingat aliquem prædict' W. filii & E. filiæ obire sine hæred' de corpore suo exeunt', qd tunc ipse vel ipsa, qui vel quæ supervixerit, habebit & gaudebit tenemen' præd' sibi & hæred. suis imperpetuum.

Et super hoc venit in ista cur' præd' M. & petit se admitt' ad tenemen' præd' cum pertin', cui dom' per I. K. senes. suum concessit inde seisinam per virgam. Habend' sibi in forma præd' ad voluntatem dom. secund' consuetudinem manerii. Et dat domino &c.

A Copy for two lives.

Sect. 619. AD hanc cur' &c. I. D. & uxor' ejus, ipsa sola examinata coram Seneschall. & sursum redd. in manus domini unum tenement, cum pertin' in A. &c. ad opus & usum G. H. & A. uxoris ejus: ad termin' vitæ eorum & alterius diutius viven', secund' consuetudinem manerii. Et dant domino &c.

A Surrender for lives with remainders.

Sect. 620. AD hanc cur' &c. venit A. T. & sursum redd' &c. unum mes. &c. ut dominus faceret inde voluntatem suam, & dominus inde habuit seisinam. Et ex gratia sua speciali reconcessit prædict' mesuag' & terr' præfat' A. T. & K. uxori ejus durante vita eorum, Ita quod post eorum decessum dict' tenement' & terr' remaneant K. uxor' W. durante vita sua. Et post decessum ipsius K. prædict' terr' & tenement' remaneant rectis hæred' ipsius A. T. imperpetuum. Tenend' eidem A. T. & I. uxori ejus durante tota vita eorum per virgam ad voluntatem domini, secundum &c. in forma prædict': Salvo jure cujuslibet &c. Et prædict' A. T. & I. dant &c.

A Surrender out of the Court, and a remainder with a Condition.

AD hanc cur'&c.qd R.F. languens in extremis ſurſum redd' in manus B.R. extra cur' per manus I.H. in præſentia A.B.C.D. tenent' hujus manerii hoc teſtantium, unum meſuagium cum pertin' &c. ad opus A. uxoris præd' R.F. tenend' ſibi pro ſervitio inde debit' ſecund' conſuetud' maner' pro termino vitæ ſuæ, Ita quod poſt mortem dict' A. præd' meſuagium remaneat I. filio præd' R. & A. & hæred' de corpor' ſuo legitime procreatis. Et ſi contingat dict' I. obire ſine hæred de corpor ſuo legitim' procreato, quod tunc præd' meſuag' remaneat R. filio prædict' R. & A. & hær de corpore ſuo legitime procreatis. Et ſi contingat dict' R. obire ſine hær de corpor' ſuo legitim procreat, quod tunc præd' meſuag' per executores, vel alterum eor' diutius vivent, venderet, & denarii inde recepti & provenientes in pauperes, & alias eleemoſinas erogentur, diſponent', & diſtribuantur, prout eis melius videbitur expedir, quibus dom inde conceſſit ſeiſinam, tenend in forma præd, ad volunt dom ſecund conſuet maner & dat dom. &c. Sect. 621.

A Copy for life by a man and his Wife.

AD hanc cur venit J.H. & R. uxor ejus, ipſa ſola examinata coram Seneſchall', ſurſum redd in manus dom. unum tenement &c. ad opus & uſum G.H. & I. uxoris ejus ad term vitæ eorum, & alterius eorum diutius vivent, ſecund conſuet maner. Et dat dom' &c. Sect. 622.

A Copy for three lives, made by a Surveyour.

AD cur maner præd ibid tent &c. venit J.G. & cepit de dom. ex traditione R.F. armig' particular ſuperviſoris terrar dom. ibidem per literas ejuſd dom' patent ſufficient authoritat dantes &c. unum tenement &c. Habend & tenend omnia & ſingula præmiſſ. cum ſuis pertin præf. J.G. & E. uxor' ejus ac A. filiæ eorund', ad termin' vitæ eor, & alterius eorum diutius viventis ſucceſſive, ad voluntatem dom ſecundum conſuetudinem maner', per redditum & ſervitium inde prius debita & de jure conſuet'. Et dat dom' de fine &c. Sect. 623.

A Licence to demiſe for yeares.

AD cur' &c. Conceditur R.H. vid poteſtas & licentia dimittend' unum clauſ. paſtur vocat N. viz. cum pertin' jacen & exiſten infra iſtud manum T.P. & aſſign' ſuis, a feſto &c. ultim' præterit', uſque ad finem termini xxj. annor tunc proxim' ſequen' & plenarie complend'. Et dat domino de fine pro licentia inde habend' iii. s. Et ſuper hoc idem hic in cur' admittitur &c. Sect. 624.

For yeares where the Lord ſhall finde Timber.

Sect. 625. AD curiam, dominus per J. F. Seneſchallum ſuum conceſſit E.R. unum meſuagium &c. vocat' A. Habend' & tenend' ſibi & aſſign' ſuis, à feſto ſancti Mich. arch' prox' futur' poſt dat' hujus cur', uſque ad finem & terminum xl. annorum extunc proximo ſequentium & plenariè complendorum: Reddend' inde annuatim xx.s. ad duos anni termin', viz. &c. per æquales portiones. Proviſo ſemper, quod durante termino præd' dom' inveniet materiam & ligna, toties quoties neceſſarium fuerit dicto tenemento, ad emendandum, reparandum, & ſuſtinend' illud. Et dat' domino &c.

A Copy for years the Tenant repairing.

Sect. 626. AD curiam noſtri R. A. Præpoſiti collegii Regal' Mariæ de E. juxta W. in Com' B. dom. ibidem, tent' ibid' tertio die &c. ſic irrot', venit N. S. & dat' dom' de fine pro termino ſibi habendo, de, & in ſcitu manerii de V. &c. Et dom' conceſſit præd' ſcitum manerii &c. pro termino viginti unius annorum. Habend' & tenend' præd' ſcitum manerii &c. præf. N. S. & aſſign' ſuis pro dicto termin viginti unius annor', term. prædict' incipiente in feſto Mich. archang', quod erit in anno dom. 1599. ſecund. conſuetudinem manerii ibid': Reddend' inde annuatim dom. & hæred. ſuis ad terminos ibid. uſual. x.li. & ſectam cur' manerii præd' bis per ann. Et reparand' ac manutenend' omnia ædificia ibid' mod' ædificat', ac omnes ſepes ac foſſat' ad dict' terr' pertin durante termin' præd'. Et ſufficient' reparat' dimittend' in fine termini ſui præd'. Et præd. N. S. & aſſig' ſui in fine termini ſui præd. ſol. harriot' v.s. Et fecit dom. fidelitat', & admiſſus eſt inde tenens durante termino prædict. &c.

A confeſſion of a Freeholder and a Copyholder.

Sect. 627. AD hanc cur' venit A. B. coram T. P. Seneſchall. hujus manerii, & cognovit ſe tener. de dom. unum meſuagium &c. libere per chartam in ſocagio, per redd. xij. d. vel. i. libr. piperis, ſectæ curiæ bis per annum. Et etiam dictus A. B. cognovit ſe tenere de domino aliud meſuagium ad voluntatem domini ſecund' conſuet' manerii. Et per redd' &c.

A releaſe by a Copy by licence.

Sect. 628. AD hanc cur' tent' &c. compertum eſt quod dom. per T. P. Seneſchall' ſuum ad cur' tent' apud C. tali die & anno conceſſit extra manus ſuas W. P. & hær ſuis, unam peciam terr', continent' circa tres acras terr', ſive plus ſive minus habeat, quond' T. C. in A. jacen inter &c.

Habend'

Habend' & tenend' &c. ad voluntatem domini ſecund' conſ. manerii. Et poſtea venit quæd' A. W. coram præfat' T. P. Seneſchall' dom', & prætendit habere titul' in præd' pecia terr', & hic præſens in cur' remiſit, relaxavit & imperpet' quiet' claim' W. P. & hær' ſuis per licentiam dom', totum jus ſuum & clam' quæ habet, vel habuit, vel in futur' habere poterit in præd' pecia terr', & in qualibet inde parcella. Ita viz. qd nec ipſa A. nec hær' ſui, nec aliquis alius nomine eor', aliquod jus, titul', intereſſe, vel clam', in præd' pecia de cætero exig. vel vend' poterit, ſed ab omni acc', jur', ſeu clam', ſint excluſi per præſentes &c. Et dat' dom' &c.

A Copy to the husband and wife, with a Releaſe to them by another.

AD hanc cur' compert' eſt per homag', qd W. H. poſt ult' cur' ſurſum redd' in manus dom' tenement' &c. ad opus & uſum M. uxoris ejus & hær' ſuor'. Et ſuper hoc ven' in plena cur' J. H. qui jam dict' M. in uxor' duxit cum præd' M. & petunt admitti ad præmiſſ. quibus dom' per Seneſchall' ſuum conceſſit inde ſeiſin'. Habend' & tenend' eis & hær' dictæ M. de dom' per virgam ad voluntat' dom' ſecund' conſuet' maner' præd', per redd' &c. Et dant dom' &c. Et fec' &c. Et admiſſ. &c. Et poſtea ven' S. T. & ſurſum redd', relaxavit, & quiet' clamavit dict' I. H. & M. uxor' ejus in plena & pacifica poſſeſſione exiſt', de & in tenementis præd', totum jus, ſtat', titul', clameum, intereſſe, conditiones, & damna ſua quæcunque q̄ habuit, habet, ſeu habitur' ſit, de, & in tenement' &c. Ita quod &c. Sect. 629.

A Releaſe of a title of Dower.

AD cur' tent' &c. venit J. T. nuper relict' J. T. viri ſui defunct', & prætendit habere titul' in una domo &c. viz. tertiam partem omnium terrar' & tenementor', reddit' & ſervic' cum pertin' nomine dotis ſuis, ex donatione dict' J. T. viri ſui pro quadam pecuniarum ſumm' ſibi per W. A. præ manibus ſolut', ſurſum redd', remiſit, & relaxavit præf. W. A. præ manibus ſuis, totum jus ſuum, ſtat', titul', clameum, intereſſe, & demand' ſua quæcunq', qnæ habuit, habet, ſeu habitur' ſit in præmiſſis: Ita viz. qd nec ipſa J. nec &c. (*ut ſupra.*) Sect. 630.

A Certificate for payment of Subſidy money.

WE whoſe names are here under written, Commiſſioners of our Soveraign Lady the Queens Majeſty, among others within the County of W. for the taxation, levying and collection of the ſecond payment of the firſt of the two Subſidies granted to her Majeſty in the Parliament holden at W. in the xxxi. year of her highneſſe Reigne doe ſignifie Sect. 631.

signifie unto the right honorable the L. Treasurer, the Barons of the Exchequer, and to all other her Majesties Commissioners and Officers to whom it shall appertain, That A. B. of W. in the County of W. Esquire, is taxed and assessed to pay to our Soveraign Lady the Queenes Majesty for the second payment of the said first Subsidy, and hath paid &c. after the rate of rr li. in land amongst the inhabitants of the parish of W. in the Hundred of &c. in the said County of W. at which place the said A. B. was altogether resident with his family at the time of the taxation of the said Subsidy. Given under our hands and seales the first day of D. in the year of the reign of our said Soveraign Lady Queen Elizabeth the rrrtb.

Last Wils and Testaments.

Sect. 632. HAving hitherto intreated of Instruments of such contracts as take effect in the life time of the parties, with their manifold difference and examples: It is now time to deal with instruments which take effect after their deaths. Of which sort be last Wills and Testaments, and letters of administration, which is a matter of no lesse difficulty then those other, as well for their great diversity, as also for their obscurity, ambiguity, and incertainty: For many times it is doubtfull in what sence the Testator would have his words taken, insomuch that his will therein may rather by probable argument be guessed then rightly gathered.

By means whereof it happeneth oftentimes, that things well meant by the Testators, are evil and diversly understood by their posterity and survivors. Which difficulty deceiveth somtime not only the common sort, but even men of good judgement: Insomuch that of one self question they pronounce different opinions.

As if a man devise lands to I. S. to have and to hold to him for ever, and die, and the devisee enter into the same lands, some think he hath thereby fee, Littlet' Sect. 586. & 22 E. 3.

And others think he hath onely an estate for terme of his life, for they hold that these words (for ever) can extend to none other then the devisee, because no moe persons be named in the devise. And that the life of man in this respect, is said to be for ever with him, Perkins Sect. 557.

But seeing all the ambiguities and incertainty of wils happen chiefly through the obscurity in the words or sentences thereof, it behoveth Notaries, and such as write Wils, to have spectall care to set down the Testators very sense and mind very plainly, with apt and significant words and

and phrases, omitting all such as be either hard to be understood or diversly to be taken.

Notwithstanding that Wills being doubtfull, are always to receive a benigne and favourable interpretation, that if by any means it can, they may stand and be of force: for much better it is that Wills be perspicuous of themselves, then to be inlightned by the exposition and allowance of others.

We will therefore in this Treatise, discourse of some points of the doctrine and examples of last Wills and Testaments, plainly and briefly, leaving precise and curious questions to be handled by others of better skill.

Of civill succession, and what last Wills and Testaments be.

LAst Wills, and Testaments, are a kinde of Civill successions. Sect. 633.
For civill succession is divided into succession immediate or lawfull, and mediate or testamentary.

Succession mediate or testamentary, is when the person deceased made a Will.

This hath his efficacy by law, and that by mans Will, which receiveth full strength by and after the testators death, and not before: and therefore it is called a last Will.

The other is called lawfull succession, because it hath being by the operation of law onely.

And the mediate succession, is termed testamentary (by Synedoche) for that a testament is the principall kinde or part of last Wills.

Hereby it seemeth with us, that an executor may be termed a successor testamentary, which is made by the last Will.

And an Administrator, a Successor lawfull, which succeedeth him which dieth intestate.

And for as much as while a testament is hoped, there is no place for lawfull succession, the doctrine of that ought to proceed thus.

A last Will therefore (ultima voluntas) is the disposition or bestowing of a mans own goods and lands, taking effect after his death.

And it is a Testamentary or Codicillary: namely, which is made by Testament, or Codicill, or Scedule.

A Testament is defined by most men voluntatis nostræ justa sententia, de eo quod quis post mortem suam fieri velit: for the perfecting of which definition, it seemeth good to adde these words, (cum executoris institutione) for without an executor there can be no Testament, for the appointing of an executor is the true formall cause thereof, giving essence thereunto.

And

And therefore ſome ſhortly define a Teſtament (hæredis inſtitutio) which is the naming of an executor, whereupon we may ſay, a Teſtament is a juſt ſentence, or declaration of our minde, concerning that which we would have done after our deaths, with the ordaining of an executor thereof.

Or rather, a Teſtament is a laſt Will, which of his own nature in it ſelf containeth a direct inſtitution of an executor.

The doctrine of Teſtaments ſtandeth upon two parts, the making and deſtroying thereof: both which, and alſo the will of every teſtator are to be meaſured by the rules of the law.

The making of a teſtament is the right which giveth the communion or participation of the teſtament. And this is chiefly regarded in the perſons, and the form of the teſtament.

And perſons are principall or leſſe principall: the principall perſons be the teſtator and executor, leſſe principall be the witneſſes and legatories: hereupon the making onely of a teſtament is active and paſſive.

The active making of a teſtament is that which belongeth to the teſtator, that he have right and power to make a teſtament.

And the paſſive making of a teſtament, is that right which pertaineth to the executor and other perſons leſſe principall in teſtaments, as to be made executors, legatories, or witneſſes thereof, to take ſome legacies or benefits thereby.

What perſons may make Teſtaments, and what not.

Sect. 634. AND all perſons as well males as females may be teſtators and make teſtaments, but ſuch as are prohibited: of which ſome are forbidden to make teſtaments by nature, and ſome by law.

By nature, through defect of minde or body, but no longer then ſuch defect endureth.

The defect of mind is when either his age is ſuch that he wanteth diſcretion, or being of age wanteth it by Chance, either naturall or caſuall: Of the firſt ſort be children which know not what they ſhould do, as men under xiv. years old, and women under xij. yeares, which above that age may make Teſtaments, but not of their lands of inheritance before the age of xxj. yeares, 34 H. 8. cap. 5. S. li. 1, cap. 21. li. 2. cap. 28. Hereunto may be added doting old perſons wanting judgement, and drunkards void of reaſon.

Of the latter ſort be madde fools and Ideots at that time of the making of the Teſtament.

The defect of body, is ſuch infirmity by which the principall ſenſes neceſſary

necessary for the making of Wils are hindred, as deafenesse, blindnesse and dumbnesse.

Dumb or deafe folkes by nature can make no testaments, but they being so by chance or accident may make testaments if they be learned, and can write and read.

And blind folkes and dumbe folkes may in some causes by signes, if they could once speake.

By Law are forbidden Testari such as be subject to others power, as bondslaves, villaines (but such as be executors to others) and women covert, without consent of their husbands (except executrices to others or of choses in action) Monkes, Chanons, Friers, and such other superstitious votaries, 14 H. 8. 16. 2 R. 2. 5. And such as have no estate or ability, as traitors, felons convict, notorious heretickes, apostates, captives by just warres, persons outlawed or waved persons imprisoned by dures, a felon of himselfe: for these persons have no goods.

Who may be executors or legatories, and who not.

The passive making of a will is a right to take by Testament, which right all loyall subjects have, as freemen, villains, men, women single or married, children, yea though they be in their mothers wombe, lay men, and clerkes. But traitors, felons, heretickes, apostates, persons outlawed, and such others, may not make testaments, nay neither be executors nor legatories. Sect. 635.

What persons may be witnesses of Testaments.

Persons lesse principall are witnesses of the making of the testament, which must be three or foure, or more sufficient persons having power to make Testaments, and void of naturall and civill impediments which may impeach their credit and testimonie. Sect. 636.

How Testaments are to be made.

We have spoken of the persons requisite in Testaments: now let us shew their form or manner of making and publishing of them. The forme truely of making Testaments, is the very disposition of the Testament rightly made, which is considered in the substance and inward forme thereof, and in the outward action of making and proofe of the same Testament. Sect. 637.

The substance or forme of Testaments consisteth in the very institution and the ordaining of an executor, and in the things of which disposition is thereby made.

The institution of an Executor, is nothing else, but the Testators naming

ming and appointing whom he will have to be his ſucceſſor, in his ſtead to enter and to have his goods and chattels, vſe actions againſt his debtors, to pay his debts and legacies ſo far as his goods and chattels will extend.

And an executor may be either of all the Teſtament, and then he is termed univerſall; or of part, as of plate, &c. and then he is named a particular executor.

Furthermore, the inſtitution of executor is pure, or mixt.

A pure inſtitution of an executor, is, when one or more executors be ſimply made without time or condition: for the Teſtator may aſſigne as many executors as he will, being capable thereof, as if he ſay, I make A. B. mine Executor, or any other words of the like ſenſe.

The mixt inſtitution of a Teſtament is upon time or upon condition.

Upon time, as if the Teſtator make I.S. his executor, when he commeth to full age, or from London, or while he dwelleth at L. &c. and ſuch like references to time, as to make him executor during ten years, or after ten years, &c.

Upon condition, as when the Teſtator appointeth I.S. his executor, if he before probation of the Teſtament find ſufficient ſureties for the performance of his will, or with the addition of any other poſſible honeſt condition or conditions, for impoſſible conditions hinder not the pure making of the executors.

And as one or more executors may be made ſimply or conditionally, or with reference to time, ſo may legacies and deviſes be made to one or moe ſimply or conditionally, or with reference to or from time.

And note, that although that in the aſſignation of executors, and giving of Legacies, and making of deviſes, our Law reſpecteth not ſo much the naturall property and ſignification of words, as the true intent and meaning of the Teſtator, whoſe minde is the very life and ſoule of the Teſtament: yet it is alwayes very requiſite that the writers of teſtaments do expreſſe the ſame with as apt and ſignificant words as may be for avoyding of all ſcruples as may otherwiſe happen by doing the contrary.

Of making of Teſtaments.

IT followeth to ſpeake of the very action of making a Teſtament, which conſiſteth chiefly in the fact thereof, and putting of witneſſes thereunto, which is to be done at one ſelfe time.

The forme of publiſhing a teſtament is the very action whereby a teſtament is produced, publikely opened, recited, or made knowne.

Of the deſtroying of Teſtaments.

THe deſtroying or weakening of a Teſtament, is when the perſon named executor, cannot or will not be executor, or die before he ſhal take upon him the executorſhip, or ſhall not be capable thereof. Sect. 638.

Of a Codicill.

THe latter kind or part of ſucceſſion univerſall is tearmed Codicill. Sect. 639.
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A Codicil is an imperfect laſt Will of one teſtate or intеſtate, not appointing any executor, which may be either written or *nuncupative*.

And it ſkilleth not in what part of a Teſtament the executor is named. Howbeit it ſeemeth good to name him in the very beginning becauſe the appointing of an executor is the very head and foundation of a teſtament, without the which neither can it ſtand, nor any deviſe or legacie be effectuall. And againe a Codicil is either perfect or imperfect

A perfect Codicil is a Codicil having an oblique inſtitution of an executor: this Codicill reſembleth a Teſtament, and is in ſtead of a Teſtament of one dying intеſtate.

An unperfect Codicill is an addition annexed to a Teſtament, and it is teſtamentary or ſubſidary.

A Codicil Teſtamentary, is a part of the Teſtament, and an addition or ſupplement thereunto, by which ſomething is added to a Teſtament, or ſome thing detracted therefrom, by the teſtator, for the explaining and amendment thereof.

A ſubſidary Codicil is inſerted into a Teſtament, to the end, that if that it be not of force by the right of a Teſtament, it may be effectuall as a Codicil, and is rather termed a codicillary clauſe than a Codicill.

Of Teſtaments written and nuncupative.

AND every Teſtament is either written or nuncupative: A written Sect. 640.
Teſtament is that which at the very time of the making thereof is put in writing, by which kind of teſtaments onely lands and tenements may be deviſed, for they cannot paſſe by a nuncupative in our laſt will made by word.

A nuncupative Teſtament is when the teſtator doth by word onely without writing declare his will before a ſufficient number of credible witneſſes.

Teſtaments nuncupative for the better proofe and continuance thereof, may after the making of the ſame bee put in writing and proved: which

which notwithstanding that they are so written, are still called, and are in deed Testaments nuncupative.

Of succession universall lawfull, and administration.

Sect. 641. WHen he that is dead, is intestate, either for that he made no testament, or made one, and the executor refuse to prove it, or otherwise, is of no force: Then lawful or immediate succession taketh place.

And this succession is called administration, which is that trust which the Ordinary of the place where the intestate died, committeth to any person touching the intestates goods, chattels credits and rights: for wheresoever a man dieth intestate, the Ordinary of that place may commit the administration of his goods to his wife (if she survive) or to the next of the intestates kin requiring the same, by the statute, 21 H.8. cap. 5.

And the power and charge of an Administrator is equall in every respect to the power and charge of executors, for they are both to have & sue for his goods and debts withholden from them, and are bound to pay his debts by specialty, according to the value of his goods. 31 E. cap. 11.

And sometimes further by their delates or false pleas which lie in their owne notice, and being true, are peremptory bars to the creditors of their testator or intestate. But haste we to the severall formes of Testaments, Codicils, and bils of Administration, beginning with Testaments.

A very perfect forme of a Will.

Sect. 642 IN the name of God Amen, The xxvi. day of Aprill in the yeare of our Lord God one thousand five hundred and ninety two, I I. H. the unprofitable servant of God, weake in body, but strong in mind, do willingly and with a free heart render and give again into the hands of my Lord God & Creator, my spirit, which he of his fatherly goodnesse gave unto me, when he first fashioned me in my mothers wombe, making me a living and a reasonable creature, nothing doubting but that for his infinite mercies, set forth in the precious bloud of his deerely beloved sonne Jesus Christ our onely Saviour and Redeemer, he will receive my soule into his Glory, and place it in the company of the heavenly Angels and blessed Saints. And as concerning my body, even with a good will and free heart, I give it over, commending it to the earth whereof it came, nothing doubting but according to the Article of my faith, at the great day of the generall resurrection when we shall appear before the judgemnt seat of Christ, I shall receive the same againe by the mighty power of god, wherewith he is able to subdue all things to himselfe, not a corruptible, mortal, weake, & vile body, as it is now, but an uncorruptible, immortall, strong, and perfect body in all points like unto the glorious body of my Lord and Savi-

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our Jeſus Chriſt. Firſt, as touching my Wife with whom I coupled my ſelfe in the feare of God, refuſing all other women, I linked my ſelf unto her, living with her in the bleſſed eſtate of honorable wedlock, by whom alſo by the bleſſing of God I have now foure Sons & three Daughters, viz. F. W. L. J. Ja. F. and A. and albeit I doubt not but that God after my departure, according to his promiſe will be unto her a huſband: yea a father, a patron, and defender, and will not ſuffer her to lacke if ſhe truſt, feare and ſerve him diligently, calling upon his holy name: yet foraſmuch as God hath bleſſed me with worldly ſubſtance, and ſhee is mine owne fleſh, and who ſo provideth not for his denyeth the faith, and is worſe than an Infidell: I therefore give and bequeath unto her for terme of her life, if ſhee remaine ſo long unmarried, the occupation of this houſe and farmeholds wherein I now dwell at H. with the appurtenances, even as I preſently occupy the ſame. And alſo the rents and profits yearly ariſing of my farmholds in H. in the tenure of J. T. and likewiſe the occupation of all other my lands and tenements, ſet, lying and being in the Pariſh of M. in the County of P. doing no waſt, with alſo her Thirds out of all my goods (except my Leaſes) obſerving the conditions, gifts, bequeſts, and legacies hereafter inſuing, in full recompence of her Thirds or Dower of all my Lands and Tenements. And except and always reſerved to me and mine heires for ever, my Ring of Gold which I uſe to wear and ſeal withall, and all mine Armor, and furniture for the warres, &c. with all the Glaſſe and Wainſcot in and about my houſes at H. All which my Will is ſhall be annexed to the freehold, and remain as heir-lomes to my ſaid houſe and mine heirs for ever. And if it ſhall fortune my ſaid Wife to marry again and take an Husband, then my will and full mind is, that my ſaid houſe at H. and all other my ſaid Lands, Tenements and Farmes at H. and D. aforeſaid with their profits and appurtenances, ſhall remain, deſcend, and come immediately to the uſe, behoofe, and occupation of W. L. J. and A. my Children, during the Minority of mine Heir male, (doing no manner of waſt during the ſaid term.) And in full recompence thereof, my ſaid Wife to have during the term of her life naturall the ſumme of forty pounds of lawfull money paid yearly out of my foreſaid lands and tenements in H. and D. wherewith ſhe faith ſhe is now right well pleaſed and contented: Let this ſuffice for my Wives portion, whom I doubt not but God will take into his protection, and ſo provide for her in the time of her ſhort pilgrimage, that ſhe ſhall want no good thing: And I heartily deſire her, that ſhe be diligent in training up our ſaid children in the feare and doctrine of the Lord, ſo ſhal God be unto her a husband, & to the children a father. Moreover as touching my children, albeit I am fully perſwaded that God according to his promiſe will be a father unto them, and if they live in

his fear he will not ſee them lack, yet ſince the law of God and nature require that I ſhould have a reaſonable care of them: Therefore I give unto my eldeſt ſon F. and to the iſſue male of his body lawfully begotten all my lands, tenements, and hereditaments with their appurtenances in H. and A. &c. or elſewhere within the Realm of England, purchaſed of A. B. the portion appointed to my ſaid Wife, for and during her life unto her marriage as aforeſaid always excepted and foreprized. And for default of ſuch iſſue, to W. my ſecond ſon, and to the iſſue male of his body. And for default of ſuch iſſue, to L. my third ſon, and to the like iſſue male of his body. And for default of ſuch iſſue, to the nert heirs of me the the ſaid J. H. for ever. And to the ſaid J. and A. H. I give and bequeath the other two parts of my goods, except my leaſes, and one hundred pounds given to W. and L. as hereafter is expreſſed and appointed. Provided always, that if my ſaid ſons W. and L. or either of them doe fortune to die before they ſhall accomplish the full age of xxj. years, then the ſurvivour of them ſhall enjoy ſuch his portion, as is limited and appointed to be payed, that is to ſay, fifty pounds to each of them. And if it fortune God to take to his mercy both my ſaid younger ſons before the accompliſhment of the ſaid xxj. years above recited, that then both their ſaid portions to be equally divided amongſt my daughters then living. And if it fortune my Wife to be with child at the time of my death, then that child to have as much in every reſpect as the ſaid J. and A. throughout all the two parts of my ſaid goods, and all other legacies before or hereafter mentioned, appointed and ſet out. Provided always, that if I marry any of my ſaid daughters before my death, then that daughter to have no part of my ſaid two parts of my ſaid goods in any other ſort then as to have her part of ſuch childs portions of my goods, as ſhall fortune to die, as is hereafter expreſſed. Provided that all my leaſes ſhall be taken as no part of my goods, but delivered to my ſuperviſors ſafely to be kept to the uſe of my nert heire, during the nonage of my ſaid nert heir, putting in good ſureties in one thouſand Marks to my ſaid ſuperviſors and executors, and adminiſtrators, or ſome of them, to anſwer to ſuch portions and legacies as herein is mentioned, declared, appointed and given to the reſt of his brethren and ſiſters out of my ſaid leaſes, as alſo truly to obſerve ſuch limitations and eſtates as herein are alſo appointed or ſet out. And that he ſhall not alien, bargain, or ſell any of my leaſes, but that the ſame ſhall after his deceaſe remain to my nert heir male, for the better maintenance of this my houſe at H. and ſo from heir male to heir male. Nor ſhall not make any Leaſes above the terme of twenty and one yeares, or one or two lives at the moſt, reſerving the rents now accuſtomed. And if he ſhall refuſe ſo to doe, then two whole parts of all my ſaid whole lands to goe to W.

my

my ſecond ſon, he putting in good ſureties as is aforeſaid. And in default thereof then to L. likewiſe as above is ſaid. Item, I will that in caſe two parts of my goods will not anſwer every of my daughters the full ſumme of two hundred pounds for their marriages, then I will that there ſhall be taken out of mine own lands commonly called T. twenty pounds yearly, and out of my Leaſe of H. yearly untill ſuch time as every of my ſaid two daughters have had the juſt ſumme of &c. for their ſaid filiall portions. And if it ſhall fortune any of my ſaid daughters to die before the age of xix. years unmarried, or married or having any iſſue of her body lawfully begotten: Then I will that her portion ſo dying ſhall remain to the other of her brethren and ſiſters ſurviving. And if it ſhall fortune, God to take another of my ſaid daughters in manner and form aboveſaid: That then the ſecond daughters portion ſo dying ſhall be likewiſe equally divided betweene my younger ſons and the daughter then ſurviving. Provided always, that if the ſaid W. and L. or any of them doe refuſe to ſtand to this mine appointment: That then they to have only their filiall portions of my goods, and no part of my leaſes or other annuities or legacies in this my Will given or bequeathed unto them, or any of them, and that then the ſaid legacies or annuities appointed herein to go wholly to my daughters, till ſuch time as every of them have the ſaid CC. li. paid for every their portions. And if my wife beſtow any more on my ſaid ſonnes, let it be upon their good behaviour towards her. And yet if it fortune my ſaid wife to die before they or any of them doe accompliſh the age of xxvj. years, applying themſelves obedient, and likewiſe diligently at their learning, I will then after her deceaſe, they and either of them ſo applying, and being under the age of twenty five years ſhall have paid forty ſhillings more yearly out of my moity of B. untill ſuch time as they and either of them doe accompliſh the full age of forty yeares, if they ſo long doe live. Item I will in conſideration of my ſaid daughters portion ſo appointed out of my ſaid goods: That W. H. my ſecond ſonne ſhall have one yearly annuity of fifteen pounds during the minority of mine heire, whereof eight pounds five ſhillings and eight pence, to be taken of the profits ariſing of my Leaſe in B. and five pounds thirteen ſhillings and foure pence out my moity of A. And after ſuch time as my ſaid heire ſhall accompliſh his full age, then and from thenceforth the ſaid W. to have the ſaid fifteen pounds payed yearly out of B. during thirteen years then next following, if the ſaid W. ſo long do live. And if he die before the end of the ſaid thirteen yeares, and leave iſſue of his body lawfully begotten, then that iſſue to have only ſix pounds thirteene ſhillings foure pence, payed yearly during the yeares to expend of the ſaid thirteene yeares, if that iſſue ſo long doe live, to be

taken of the profits of B. aforeſaid, at the feaſt of Penſecoſt and Saint Martin by even portions. And for nonpayment of the ſaid W. and likewiſe his nert iſſue, from time to time, to diſtrain untill the ſame be fully ſatisfied and payed with the arrerages if any fortune to be unpayed. Item I give and bequeath to L. H. my third ſonne one yearely annuity of fire pounds eight ſhilling & four pence, whereof four pounds to be paid yearly out of my ſaid Leaſe of B. And likewiſe four marks out of A. during the minority of my nert heir. And after my ſaid heir doth accompliſh his full age, then the whole ſix pound thirteen ſhillings and four pence, whereof four pound to be paid during the term of thirty years then next following out of my ſaid leaſe of B. if he ſo long do live, and if he die before the end of the ſaid term of thirty years and leave iſſue of his body lawfully begotten, then that iſſue to have onely five marks yearly during the ſaid years to erpend if the ſaid iſſue ſo long live, and to be payed at the feaſts aboveſaid, with like diſtreſſe to be taken for nonpayment thereof. And if it fortune any of them to die before the end of the ſaid term of xxx. years, and leave no iſſue of his body living, and the other brother having iſſue, then that brother ſurviving, and the ſaid iſſue living to have yearly during the ſaid years to erpend only 6 li. 13. s. 4 d. & no more out of B. aforeſaid. And if it pleaſe God to take to his mercy F. mine eldeſt ſon without iſſue male of his body lawfully begotten, ſo as thereby my lands do deſcend unto the ſaid W. his brother, that then this legacy or annuity ſo bequeathed and given unto the ſaid W. & his iſſue, to ceaſe, and to be payed to L. and his nert iſſue in manner and form as is appointed to the ſaid W. & his iſſue, and the ſaid legacy or annuity ſo firſt given unto the ſaid L. and his iſſue to be void. And if it ſhall fortune my ſaid ſon F. to die and leave iſſue female of his body lawfully begotten, that then the ſaid W. or L. unto whom my ſaid land ſhal come, or the nert heir male of them ſhal pay unto that iſſue female of the body of the ſaid F. 500 Marks towards the preferment of that iſſue female, within five years nert after the ſaid iſſue female ſhall accompliſh the full age of eighteen years, that is to ſay, 100 Marks yearly, if ſhe doe live ſo long, or to the iſſue of her body lawfully begotten, if that iſſue ſo long doe live. And for nonpayment thereof in manner and form aboveſaid, that then that iſſue female, and the iſſue of that iſſue female, lawfully begotten, to have and to hold unto her and the heirs of the body of the ſaid iſſue female lawfully begotten, all my lands within my Lordſhip of D. purchaſed of &c. to the ſaid iſſue female, & the iſſue thereof lawfully begotten for ever. And for default of ſuch iſſue to the next heir male, and their heires for ever. Provided always, that my wife ſhall have that occupation of the lands and tenements, contained in my ſaid leaſes to her own proper uſe and education of my Children, ſo long as ſhall pleaſe her, and keeping her

ſelf

ſelfe unmarried, and in my name, paying after the rate of five pounds leſſe in the whole yearly rent than another will doe for the ſame, and not otherwiſe. Provided alſo, that if it ſhall fortune God to take all mine heires, before they ſhal have iſſue male lawfully begotten, ſo as there be no iſſue male proceeding of them, or any of them, ſo as thereby my lands doe deſcend to the iſſue female: then that iſſue female ſhall within two yeares next enſuing ſuch certaine knowledge had, and upon reaſonable demand made, enter into bond to pay or cauſe truly to be contented and payed to the next iſſue male of my brother R. H. two hundred Markes of lawfull money of England. And for default of ſuch iſſue male of my ſaid brother, then to pay unto his iſſue female an hundred Markes. And to the next iſſue females of the abovеſaid W. L. I. I. and A. five hundred markes, viz. to every one of them 100 Markes, if the ſaid iſſues do live untill they bee of the age of nineteene yeares, and if any of them die before that time, then the ſurvivors to enjoy the portions of them ſo dying. And for nonpayment of the ſaid ſeven or ſix hundred Markes as abovеſaid: Then the iſſue male of my ſaid brother, and likewiſe the iſſue females of my ſaid brother: and alſo the iſſue females of the ſaid W. L. I. I. and A. to enter into my moity of my manor of A. and the ſame to hold, occupy, & to enjoy, to them and their heires for ever. This ſeven or ſix hundred Markes, as above is mentioned, I give as a token of continuall remembrance of the heartie zeale, love, and affection I beare to the advancement of the iſſue generall of me, & my ſaid Children, as alſo the ſirname and whole blood of me the ſaid I. H. and the iſſue of my ſaid brother. Item I give and bequeath unto my ſaid loving brother R. H. if he be living at the day of my death, my beſt gowne &c. Item I give unto every of my ſervants in my houſe at the day of my death, if they uſe themſelves diligently and honeſtly toward my wife during one yeare then following &c. Item I give to W. P. my godſonne one colt of three or foure years old, to be delivered unto him when he ſhall accompliſh the age of one and twenty years. And to A. G. if ſhe be living at the day of my death, one ewe. And to H. B. an old Angell. Provided alwayes, that if my wife doe make any challenge or claime to any part of the thirds, either of my lands or goods, or to any part thereof by force of being executrix, other then before is mentioned, & ſet out for her, as in ſuch like caſes many unkind women have done, contrary to the good meaning, will, and truſt of their huſband, in prejudice of their naturall children, which my ſaid wife hath faithfully promiſed to me ſhe will not doe, the rather for that I have done nothing herein but by her full conſent and agreement in every behalfe, that then ſhe to loſe the benefit of all ſuch legacies, and all other commodities appointed and given hereby to her, and the ſame to remain amongſt all my children. Now

as touching the poore, inſomuch as theſe worldly goods were given to me, that I ſhould diſtribute part thereof to their neceſſity, viz. the poore, lame, blind and comfortleſſe: And albeit I have been quick in words, to ſuch as were ſturdy vagabonds, and idle loyterers well able to get their living by their labour, yet I have not altogether been unmindfull of them, but diſtributed part of ſuch as God ſent mee, having alwayes thought it better in thoſe caſes to worke while I lived in this world, than have them done after my departure by my executors. Yet notwithſtanding I will, that there be diſtributed and given amongſt the poore within the pariſhes of A. upon the S. ten pound, which I will have beſtowed in manner and form following, that is to ſay, every Sunday during the ſpace of two whole yeares next after my death xiii pent-worth of bread, which I will have beſtowed upon xiii. poore folkes, viz. the halt, the lame, the blind, the ſicke, and ſuch other as be moſt comfortleſſe, and not able to labour. I thinke it alſo a deed of charity, and commendable worke before God to repaire the high wayes, that the people may travell ſafely without danger, I therefore give to the amending of the high wayes about S. B. & S. B. at H. twenty ſhillings, to be imployed by the diſcretion of my loving life, whom I doe ordaine and make my full executrix. And if ſhe refuſe ſo to be, then I ordaine & make W. L. I. and A. my children to be my executors, and my very loving friends and couſins A. B. &c. my ſupervisors, charging them, & every of them in the name of God, as they will anſwer before the high Judge Chriſt, at the dreadfull day of doome, that they and every of them doe ſee this my laſt Will diligently & faithfully fulfilled in every behalfe without reſpect of any perſon or perſons whatſoever. Provided alwayes, that if any perſon or perſons which ſhal injoy any benefit by force of this my laſt Will, other than their filiall portion, will not be ruled, aſwell in their education and marriage, as in all other lawfull things concerning this my laſt Will by my ſaid executrix: And ſhe being dead by my ſaid ſupervisors, or the moſt part of them: And they being dead, by foure of their uncles, or other their neereſt friends and allies indifferently elected, the ſame being knowne to be wiſe, indifferent and of good diſcretion: that then they, & every of them ſo refuſing, utterly to looſe all ſuch benefit as they, or any of them might have by force of this my laſt Will and Teſtament, and the ſame portion or benefit ſo given them, to remaine to ſuch and as many as will be ordered and ruled, as is before mentioned and declared. Item I bequeath unto every of my ſaid ſupervisors for their paines taking, one gold ring of halfe an ounce, with theſe words graven ſeale-wiſe upon the top of every the ſaid rings, Eſto fidus. And alſo I will that their reaſonable coſts and charges be duely anſwered to every one of them of my whole goods from time to time, with recompence of their travell. Provided alwayes,

wayes, that if it ſhall fortune any queſtion, ambiguity, or doubt to ariſe amongſt my children or any others claiming any benefit by force of this my laſt Will, that the onely expoſition, determination, and judgement thereof ſhall be determined and judged from time to time to the beſt of my mind and according unto the literall ſenſe and meaning of this my laſt Will in every behalfe, & by the expoſition and diſcretion of my ſaid ſuperviſors, and others, as above is ſaid and expreſſed, and not otherwiſe. Provided alwayes, and my full mind and determinate pleaſure is, that in caſe my next heire male, or any the heires males of his body lawfully begotten and likewiſe my ſons W. & L. or the iſſue male of any of them to whom my ſaid lands ſhall deſcend and come, doe ſeeke any meanes or advantage by law or other fraud, to convey, ſell, alien, or otherwiſe to make any eſtate whatſoever, contrary to the true meaning of this my laſt Will and Teſtament, to defeat or diſinherite any of his or their other brethren, and the heires males of their bodies lawfully begotten, or any other before recited, being their brethren or couſins be they either males or females, contrary to ſuch limitation, as in this my ſaid Will is ſpecified and contained, and doe refuſe to enter into bond with good ſureties, in ſuch ſort as my ſaid ſonne F. is to doe, then I will that all ſuch eſtates as be limited to ſuch perſons ſo doing, to be utterly void and of none effect, and that the next heires males to him or them ſhall enter into, and quietly enjoy all my ſaid lands and tenements whatſoever, in manner and forme before ſpecified, and not otherwiſe, Any act or acts done or to be done by the ſaid next heire, or the heires of his body in any wiſe to the contrary notwithſtanding. And the like order to be in every point and behalfe truely obſerved by my ſecond ſonne or the heires of his body. Item, I give to my Lord B. L. high Treaſorer of England, if he be living at the day of my death, and the Queens Majeſty, juſtly intituled to the Wardſhip and marriage of my next heire, twenty pounds, in conſideration that my wife may after my deceaſe have the Wardſhip of my ſaid heire, and the lands deſcending to the Queenes Majeſty in leaſe, during his minority, his Lordſhip taking what ſhall beſt like him for her highneſſe. And I doe hereby revoke and annull all former Wils. In witneſſe whereof I have hereunto ſubſcribed my name, and my ſeale unto this my preſent laſt Will and Teſtament, the day and year firſt above written, in the preſence of A. B. C. D. F. L. and divers others.

Another forme of a Will.

IN the name of God Amen. The ſecond day of January 1592. I. R. L. of &c. ſicke of body but of a good and perfect memory (God be praiſed) doe make and ordaine this my laſt Will and Teſtament in manner & forme following, that is to ſay: Firſt I commend my ſoule into the hands Sect. 645.

of God my maker, hoping aſſuredly through the onely merits of Jeſus Chriſt my Saviour, to be made partaker of life everlaſting. And I commend my body to the earth whereof it is made. Item whereas I by deed Indented, bearing date &c. have infeoffed T. W. and W. W. of divers lands and tenements in P. and B. to the uſe in my laſt Will and Teſtament to be limited and appointed: My Will therefore is, that they the ſaid T. & W. ſhall take the rents, iſſues, and profits of the ſame lands and tenements yearely, by the ſpace of twenty years now next enſuing, and therewith pay ſuch debts as I owe, & ſuch legacies as in this my laſt Will ſhall be contained, ſo farre forth as the profits thereof will extend. Alſo I give and bequeath to E. my wife forty pounds, over and beſides ſuch part of my goods as ſhe (by the Law) ought to have, if no legacie were unto her given. Item, &c. to T. L. my ſonne and heire apparant all glaſſe and ſeeling, in or about my houſe in P. aforeſaid. Item, I will that the reſidue of my goods, & the ſurpluſage of the profits of the ſaid lands ſo conveyed unto the ſaid T. W. and W. W. which ſhall remaine (my debts, legacies, funerall expences, and my wives third part paid and deduced) ſhall equally be parted and divided amongſt W. R. H. and G. my children, and ſuch child or children as my wife hath now conceived (if ſhe have conceived any) and the ſaid portions to be paid unto them when they ſhall accompliſh the age of one and twenty yeares. And if any of my ſaid children doe die before he or they have received their portion, not having any child then living, then I will ſo much of his or their portion ſo dying as ſhal happen to be unpaid at the time of his or their death, ſhall be paied unto the reſt ſurviving. Provided alwayes, that if either of my ſaid daughters be married after ſhe ſhall be of the age of xvi. yeares that then the portion of her ſo being married, ſhall be paied unto her within one halfe yeare after the ſaid marriage. And I will, that the ſaid T. W. and W. W. ſhall have the cuſtody of the ſaid W. and R. my ſonnes, and of their portions, and of the ſaid T. L. my ſonne and heire apparant, and of all his lands & goods untill he be of full age of one and twenty years, and they to be brought up and ordered at their diſcretion, they having reaſonable allowance for the keeping of them. And I will that my wife ſhall have the cuſtody of my ſaid daughters, and their ſaid portions, if ſhe firſt find ſuch ſufficient ſecuritie to be ſo bound in the double value of their ſaid portions, unto the ſaid T. W. and W. W. as they ſhall accept and like of for the payment of their ſaid portions accordingly, and if ſhee doe finde no ſuch ſureties, that then ſhee to have for the keeping of either of them, fortie ſhillings by yeare; and the ſaid T. W. and W. W. to have the cuſtodie of their ſaid portions accordingly. And I make the ſaid T. W. and W. W. executors of this my laſt Will and Teſtament:

and

and I make R. R. and R. W. ſupervisors thereof. In witneſſe whereof &c.

A perfect Teſtament and laſt Will.

VNiverſis & ſingulis Chriſti fidelibus ad quos præſentes literæ Teſtimoniales pervenerint: Johan. permiſſion divina Cant Archiepiſc. totius Angliæ Primas & Metropolitanus Salutem in domino ſempiternam & fidem indubiam præſentibus adhiberi. Ad univerſitatis veſtræ notitiam deducimus & deduci volumus per preſentes, quod ſcrutato regiſtro curiæ prærogativæ Cant in Archivis ejuſdem bene & fideliter cuſtoditis, comperimus & invenimus evidenter inter alia in eodem, quod decimo die &c. Anno &c. coram H. I. Surrogato venerabilis viri W. D. legum doctoris curiæ prærogativæ Cant magiſtri cuſtodis ſive commiſſarii legit deputat probatum, approbatum & inſinuatum fuit: Teſtamentum P. R. nuper dum vixit de S. infra parochiam de W. in comit D. Covent & Lich. Dioc' noſtriæ que Cant provinciæ def. habentis dum vixit & mortis ſuæ tempore bona mobilia vel immobilia, ſpiritualia vel temporalia, jura ſive credita quæcunque vel qualiacunque in diverſ. Dioceſ. ſive juriſdictionibus peculiaribus, commiſſaque fuit adminiſtratio omnium & ſingulorum bonorum, jurium & creditorum dicti def. & ejus teſtamentum qualitercunque concern I. R. filio & executori in hujuſmodi teſtamento nominato, de bene & fideliter adminiſtrand' eandem. Ac de pleno & fideli Inventario omnium & ſingulorum bonorum, jurium & creditorum hujuſmodi conficiend. Et illud in curiam prærogative Cant exhibend. Nec non de plano & vero computo, calculo ſive ratiocinio inde reddend. Ad ſancta dei Evangelia in perſona P. I. notarii publici, procuratores ſui in hac parte legitimè conſtituti Jurat. Cujus quidem teſtamenti verus tenor in hæc verba ſequitur. Sect. 644.

In the name of God, Amen. The viij. day of &c. And in the yeare &c. I F. R. doe make & deliver this my laſt Will and Teſtament in writing, revoking thereby both in deed & in law all other former wils & teſtaments. Firſt, I commend my Soule into the hands of Almighty God, &c. Touching my lands, tenements, & hereditaments, where I have heretofore by my ſeverall conveiances, for the advancemet of my younger ſonnes P. G. R. & F. the younger, aſſured my manors of H. B. & H. in the county of P. And all my lands, tenements, & hereditaments in H. B. D. H. & B. in the ſaid county of P. to ſuch ſeverall uſes & intents, as in & by the ſaid ſeveral conveiances are expreſſed: My will & meaning is, that the ſame aſſurances ſhall ſtand and be effectuall to the benefit of my ſaid children, according to the true intent and meaning ſet downe in the ſame writings, and I doe by

this

this my laſt Will ratifie and confirme, and further doe will and deviſe all the ſaid manors, lands, tenements, and hereditaments to my ſaid ſonnes ſeverally, and for ſuch, and the ſame eſtates to them particularly and ſingularly as be mentioned and limited by the ſaid conveyances: and where in the aſſurance and morgage concluded betweene me and T. M. Gent. I have put my faithfull ſervants T. B. and R. C. in truſt, my Will and requeſt is to them, that they doe performe and accomplith the ſame truſt, & doe make over ſuch eſtate & intereſt as they have by the ſaid conveiance, to my ſonne G. R. and to his heires males of his body, according to my true intent and meaning, whereunto I have made them privy: for my full and plaine meaning is, that ſeeing the ſaid G. is my firſt and eldeſt ſonne by my late wife M. that therefore he ſhall be remembred and rewarded as a ſecondary eldeſt ſonne, and therefore ſhall have to him, and to the heires males of his body, my ſaid manors of H. and B. and all my lands, tenements, and hereditaments in H. B. & D. Notwithſtanding my meaning is, and ſo I doe hereby will and deviſe, that his two younger brethren R. and F. may have and enjoy ſeverally during their lives either of them forty pounds of &c. by the yeare. And that he the ſaid G. doe ſee the ſame payd according to my ſaid conveiance. And I doe further give unto my ſaid ſonne G. all thoſe Statutes, Recogniſances, and Bonds that the ſaid M. M. and ſir H. R. have made and knowledged to me, or to any to my uſe for the performance of thoſe bargaines that be paſt between us, and I will that the ſame bonds may be ſued in the name of my Executors but to the benefit of my ſaid ſonne G. and of his heires males. And if the ſaid M. M. doe pay the ſaid ſumme of &c. agreed upon, and thereby doe redeeme the ſaid lands and inheritance in B. then I doe give and deviſe that my ſaid ſonne G. R. ſhall have the ſaid ſumme of &c. to his uſe and benefit. Alſo I doe give unto my ſaid ſonne P. R. all my goods and chattels, ſtock and houſholdſtuffe whatſoever, that ſhall be and remaine at H. aforeſaid at the time of my deceaſe. And I doe further give unto the ſaid P. the one halfe and moitie of all the Lead that ſhall be owing me at the time of my deceaſe. And alſo the halfe benefit and forfeiture of all ſuch bonds as any perſon or perſons ſhall ſtand bound to me in for the deliverie of any lead or lead oare. And where I of very fatherly love, & the rather thereby to allure him to his booke and ſtudy, did aſſure to my ſonne F. the elder by my firſt wife, all that my manor of B. with the appurtenances, and my parke and new builded houſe there, ſince which time I have beene urged by the great untowardneſſe of my ſaid ſonne (I will not uſe any more bitter words) to revoke & make void the ſaid aſſurance, and now have given the ſaid manor of B. to I. R. my eldeſt ſonne, as by the writing thereof appeareth, in which revocation, I doe proteſt before God

God, I do not know any maner of defect or ſcruple whatſoever, yet weighing that Durum telum eſt neceſſitas, & that Homo perverſus ſuſcitat lites, and laſtly, that the deſire of ſuch a houſe and inheritance joyned with my imagined title, will neither regard fatherly admonition, nor brotherly affection: And to the intent alſo the ſaid F. my ſon may have ſomething to maintaine himſelfe, and apply his booke withall, if it pleaſe God that he may looke backe and call himſelfe to an ordinary courſe of life, I do therefore for theſe reſpects give and demiſe unto my ſaid ſon F. the elder, theſe two rent charges of twenty pound a peece, amounting in the whole to 40.l. per annum, which I have going forth ſeverally of the lands and inheritance of T.L. Eſquire, and W.R. Eſquire. To have and to hold to him for and during his naturall life. And my Will is further, that if the ſaid F. my ſonne doe give himſelfe to the ſtudy of the Common lawes of this Realme (wherenuto I know he hath an aptneſſe by nature, although through evill behaviour and worſe company he hath ſhewed himſelfe unapt heretofore) and doe become either Reader in Chancery or in Court, being called thereunto orderly, and performing the ſame with good liking and opinion of the houſe, and in proofe thereof ſhall have it ſo ſignified under the hands and ſeales of foure Readers of Grayes Inne for the time being: Then I will and deviſe the ſaid two rent charges of xx.li. to the ſaid F.R. and to his heirs for ever. And I doe then alſo and not before deviſe unto him the ſtatutes, recognizances and bonds, which I have ſeverally of the ſaid M.L. and M.R. for the paiment and ſeverall aſſurance of the ſaid two rent charges or annuall paiment, and the benefit and forfeiture which ſhal grow or be by reaſon of the not paying thereof, or by any other default committed by them or either of them, their heires or aſſignes. Provided allwaies that my ſaid ſonne F. doe within one halfe yeare next after my death, if he ſhall not make the ſame in my life time, releaſe unto my ſaid ſonne I.R. and to his heires for ever, all his right and title that he hath or may claime to have in the ſaid manor of B. and in or to the ſaid lands, tenements, and hereditaments of the parke and new builded houſe in B. aforeſaid, or unto any the hamlets or villages adjoyning thereunto, with warrantie to be therein contained againſt him and his heirs for ever: And upon condition alſo that he the ſaid F. hath not charged nor incumbred the ſaid manor and premiſſes in B. aforeſaid or any part thereof, with any rent charge or leaſe whatſoever before the ſaid releaſe. Where about three yeares paſt, I did in the name and behalfe of my daughter E. and for her better preferment, conclude & agree with M. F. now deceaſed, for the paiment of &c. to my ſaid daughter in the ſpace of &c. as by the writings thereof appeare, of which ſaid paiment the executrix of the ſaid M. F. hath well and truely paied unto my hands to the uſe of my ſaid daughter the ſumme

of

of &c. due at the feaſt of &c. laſt paſt, my will is, that if the ſaid ſum of &c. be not by me anſwered to my ſaid Daughter in my life time: That then the ſame ſhal preſently be paied unto her by my Executor after my deceaſe. And my Will is further, that if my ſaid Daughter R. cannot lawfully by order of Law recover and obtaine the ſaid ſumme of &c. reſidue of the intire ſumme of &c. that then ſhe ſhall be paied and ſatisfied of the ſaid ſum of &c. or of ſo much thereof as ſhe cannot recover of the lands or goods of the ſaid Maſter F. or at the hands of his executrix or adminiſtrators by my executor, the ſame payment to be made within &c. after my death. And moreover, I give unto my ſayd Daughter an hundred Markes of &c. to make up her full and whole portion to the ſumme of &c. And alſo, I doe give unto her the Chaine of Gold that ſhe commonly weareth, and all her jewels of gold, together with her late mothers bracelets of gold, notwithſtanding my meaning is, that if my executor do pay unto her the ſaid ſumme of &c. or ſo much thereof as ſhee ſhall or may not recover or obtaine as is aforeſaid, that then my ſaid Daughter, do aſſigne or ſet over the bonds and aſſurance made unto her by the ſaid Maſter F. unto the ſaid Executor or his Aſſignes, to the end that he may then take the advantage and benefit thereof: for like as mine intent is, that my ſaid daughter ſhould be juſtly ſatisfied of the ſaid five hundred pound, either by the heires & executrix of the ſaid F. or elſe in default thereof by mine own executor, even ſo my meaning is, not that my ſaid Daughter bee double payed the ſaid ſumme: I do give unto my Daughter T. over & beſides the ſumme of &c. which to her is aſſured by my ſelfe and my ſonne I. R. by conveiance in my life time, the ſumme of &c. when ſhe commeth to the age of &c. or be married, together with the jewels of gold, and little Chaine of gold which was her Mothers. And where I have concluded with R. T. Eſquire, for a marriage (by the grace of God) to be had betweene his ſonne R. T. and my daughter E. my Will is that if the ſaid marriage do not take effect, that then my ſaid daughter E. ſhall take the benefit of all ſuch bonds and recogniſances as the ſaid Maſter T. hath made or acknowledged to me: And that my executor doe not onely ſuffer his name to be uſed for recovery thereof to the uſe of my ſaid Daughter, but that hee alſo and his aſſignes doe to his and their uttermoſt indeavour aid and aſſiſt my ſaid Daughter for the obtaining of the benefit and forfeiture of the ſaid bonds and recogniſances to her owne uſe. Provided alwayes, that my ſaid Daughter E. nor any for her, or in her name doe challenge or claime any title or intereſt in, or to the ſum of foure hundred pound which I did convey unto her, to be paied of certain rent charges, which I appointed for that purpoſe before the ſaid concluſion of marriage: for my meaning is, that ſeeing I have well and truely paied unto the ſaid T. the ſum of &c. in conſideration of

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the said marriage to be had, that the benefit shall come to my said Daughter by the said marriage, or by the bonds or covenants thereupon concluded shall serve her for her portion and advancement, and that she shall not take or challenge any other summe or portion of my goods or gift whatsoever. Where I together with my eldest son I. R. have provided that my four youngest Daughters, to wit A. E. I. and B. be every one of them payed to the summe of &c. for their advancement in marriage, at such days and times, as by the writings thereof are expressed: my meaning is, and so I do will and bequeath, that my said Daughters be fully and duly satisfied their said portions in such manner and form as by the said writings is appointed. And my Will is further, that my said youngest Daughters shall either of them be brought up at my houses at W. or B. at the costs of my eldest son, if they be disposed to remain there untill such time as they be severally well and truly paid and answered their said portions. I will that within one whole year next after my death, there be provided by my executor one chain of gold of the value of &c. which chain I doe give to my Daughter B. And I do heartily require and charge her, that she cause the same after her decease to be bestowed upon her son and mine I. B. I doe will and devise the yearly rent charge of &c. which I have to me and mine heirs assured forth of the lands and inheritance of A. E. gentleman, and the yearly summe of &c. to be taken forth of the manor of E. in the whole per annum twenty pound to be imployed for ever for the maintenance of the new erected Grammar Schoole at S. the finding of two Schollerships in Saint Johns in Cambridge, and the relief of the poore, hurt, and maimed Souldiers, which shall be sent to the Warres out of the Townships of S. B. and E. in the County of D. that is, eight pound by the year towards the same Schoole, other eight pound per annum for the said Schollerships, and four pound yearly for the relief and succour of the said Souldiers. And now upon great good hope & fatherly affiance that I have, and trust to finde in my eldest son I. R. towards his Brethren and Sisters, I do make and ordain him my sole and only executor of this my last Will and Testament: and I say unto him, and by him to all the residue of my children, as Solomon said to his son, Fili mi time Deum & Regem: and in any wise beware that you live not above your living, and especially in the beginning, for that will bring you to want and necessity both in the middest and the ending.

In quorum omnium & singulorum præmissor' fidem & testimonium has literas nostras testimoniales fieri fecimus, ac eas sigillo Curiæ prærogativæ nostræ Cant' appenc' communiri & corroborari, dat' quoad scrutinium & sigillationem præsentium 28. die mensis Aprilis, ann' domini 1591. Et nostræ trans. anno 8.

A

A good preſident for a Teſtament.

Sect. 645. IN the name of God Amen. The 21. day of the moneth of M. in the yeare of our Lord God &c. I R. M. Merter and Citizen of L. being of whole mind, &c. as before. Firſt I commend my ſoul unto Almighty God my maker and redeemer, and my body to be buried in the pariſh Church or Churchyard of Saint M. in the City of London. Item, I give toward the reparation of the ſame Church xiij.s. iv.d. Item, I will, that all ſuch debts and duties as I owe of right or of conſcience to any perſon or perſons, be well and truly contented and payed by mine executors hereafter named, or elſe ordain ſo for to be payed without any delay or contradiction. And after my debts payed, and my funerall expences performed, I will, that all my goods, chattels, and debts ſhall be divided into three equall parts, whereof I will, that A. my wife ſhall have one equall part to her own proper uſe, in the name of her purparty and reaſonable part to her of all my ſaid goods, chattels, and debts, after the laudable cuſtome of the City of London belonging. And the ſecond equal part of all my ſaid goods, chattels, and debts whatſoever, I bequeath to C. and M. my daughters, and to the child now being in the womb of my ſaid wife, equally to be divided amongſt them, and to be delivered unto them when they ſhall accompliſh and come to their lawfull ages of xxj. years, or elſe to be married &c. And if it fortune any of my ſaid children to deceaſe before they accompliſh their ſaid ages, and before that time be not married: That then I bequeath her part or his part of them ſo deceaſing, to the other of them then ſurviving, to be delivered unto them when they ſhall accompliſh their ſaid ages of xxj. years, or elſe be married. And if it fortune all my ſaid children to deceaſe (as God it defend) before they accompliſh their ſaid ages, and before that time be not married: Then I bequeath as well all and ſingular the ſaid part or portion of my ſaid children in my foreſaid goods, cattels, and debts, as alſo my legacies to them hereafter bequeathed, to and amongſt the children lawfully begotten of the body of R. M. of S. in the County of R. to be paid and delivered unto them at like ages, and in like manner as is appointed unto mine owne children, and every child likewiſe to be others heir thereof. And if it ſhall fortune all the children of the ſaid R. M. of his body lawfully begotten to deceaſe (which God defend) before they come to their lawfull ages, and before that time be not married: Then I will that all their ſaid parts and portions of my ſaid goods, cattels, and debts, ſhall wholly be imployed and beſtowed in amending and repairing of noyous high ways nigh about the City of London, and to the marriage of poore Maidens, by the diſcretion of mine Executors and Overſeers, if they be then living, or elſe by the diſcretion of the

Lord

Lord Maior and his brethren the Aldermen of the City of London. And the third equall part of all my ſaid goods, cattels, and debts, I reſerve unto my Executors, therewith to perform my Legacies and bequeſts hereafter ſpecified, that is to wit &c. The reſidue of all my goods, cattels, and debts, after my debts be payed, my funerall expences performed, and theſe my legacies contained in this my preſent Teſtament fulfilled, I wholly give and bequeath to my ſaid children, equally to be divided amongſt them, and to be delivered to them according as I have above willed and declared, Provided always, and it is my very will, minde, and intent, that ſhortly after my deceaſe, all and ſingular my wares, ſtuffe of houſhold, plate, and all other my goods whatſoever they be, ſhall be priſed by two indifferent perſons, to be named and ſworn by the Lord Maior of L. and his brethren for the time being, and all and ſingular the portions thereof appertaining to my ſaid children, as wel my ſecond part, as my ſaid legacy ſo to them made and bequeathed of my part immediately after the appriſing, to be ordered according to the cuſtome of the Orphanage of the City of London by the Lord Maior and his brethren. Item I will that the yong men being free of the fellowſhip of Mercers of L. ſhall have the occupying of all my ſaid childrens portions and legacies during their nonage, they putting ſufficient Sureties therefore, according to the ſaid cuſtome of the City of L. And I will and my mind and intent is, that Maſter H. L. and Maſter R. M. or their aſſignes, ſhall have the keeping, governance, and bringing up of my ſaid children during their nonages. And of this my preſent Teſtament I make and ordain the ſaid A. my wife, and the ſaid M. H. and R. mine executors. And I bequeath to every one of them for their labour in that behalf twenty pound, and a black Gown. And of the execution of the ſame, I make and ordain W. P. Overſeer. And I utterly revoke and adnull every other former Teſtaments, Wils, Legacies, Bequeſts, Executors, and Overſeers, by me in any wiſe before this time named, willed, and bequeathed, Theſe being witneſſes.

Memorandum, that Teſtaments Nuncupative are made by word only before witneſſes, in form aforeſaid.

A clauſe of a Will.

AND if it ſhall happen at any time hereafter any ambiguity, doubt, or queſtion, to grow or ariſe by reaſon of the imperfection or defect, of, or in any the words, and clauſes and ſentences in this my preſent laſt Will & Teſtament, or my true intent and meaning thereof: That then the further and better explanation, interpretation, and conſtruction of the ſaid doubt and ambiguity, I will that my ſaid Executors ſhall expound, explane, and interpret, according to their wiſdomes and good diſcretions. Sect. 646.

A

A proviso to binde Lands by Will.

Sect 647. PRovided always, and my further will is, that if either of my said sons, or the heirs of either of them doe attempt or goe about to doe any act or acts, thing or things, to alien and discontinue the said lands, tenements, and hereditaments, or any part or parcell thereof, to them either, or any of them, by me given and bequeathed, in manner and form aforesaid either by feoffement, fine, recovery, or otherwise by any ways or means, so that the same lands, &c. and every part and parcell thereof, cannot, or may not descend, come, remain, revert, and be in manner and form before in this my Will limited, declared, and appointed, and according to the true intent and meaning of this my gift, will, and last testament: That then immediately and from thenceforth the estate, interest, and title of him or them so attempting, doing, or going about any such act or acts, thing or things, as is aforesaid, of, and in the said lands, &c. shall cease and be cleerly determined and extinguished, and that then immediately and from thenceforth the same shall remain, and be to such person or persons, as by this my will is limited and appointed, in such manner and form, and upon the like condition or conditions, as though he or they so attempting or going about any such act or acts, thing or things, in form aforesaid, were dead indeed: any thing before in this my present last will mentioned or declared to the contrary notwithstanding: leases for xxj. years at the most, and under, or for one, two, or three lives, whereupon the old, ancient, and accustomed yearly rent, or the value thereof, or more shall be reserved and assured to such person or persons, as shall or ought to have had the same estate or estates. Also the estate or estates that hereafter shall fortune to be made, to, or for the Joynture or Joyntures of such as shall fortune to be the wife or wives of the said R. and G. or of the heirs of their two bodies, or of the heirs of the body of either of them lawfully begotten, for term of the life or lives of such wife or wives only excepted.

A Codicill or Scedule before the making of a Testament.

Sect. 648. I A. B. by the grace of God sound in minde and body, praised be almighty God, in these codicils or scedules, do dispose my last Will as touching my goods, as followeth: that is to say, First, I give to E. my wife in recompence of her thirds or reasonable portion of my goods, one hundred pounds, and two of my best Geldings, and two of my best Beds fully furnished. Item, I give to every one of my Sonnes ten pounds, and to every one of my Daughters twenty pounds &c. (As legacies be bequeathed in last Wils.) And my will is that this Codicill or Scedule be, and be adjudged and taken to be parcell of my last Will, and to be of force by the

the right of a Codicill, or by any other right, in the beſt manner that may be. And I heartily require mine executors, if God give me leave to make a Teſtament, and in this default thereof, mine Adminiſtrators, that they do cauſe all things in this ſcedule or Codicill contained, to be faithfully performed, according to my true meaning, as if the ſame were ſo declared and ſet down in my laſt Will and Teſtament. In witneſſe whereof to this preſent Codicill I have ſubſcribed my name.

A Codicill made after a Teſtament or laſt Will.

BEit known, that whereas I A. B. made my laſt Will and Teſtament in writting (if it be written, and if it be not nuncupative) bearing date &c. That now, forasmuch as I have changed my mind, touching certain things in the ſame laſt Will mentioned (other then ſuch as I ſhall not hereby otherwiſe diſpoſe of) I do by this preſent Codicill confirm and ratifie the ſaid laſt Will. And firſt, whereas by my ſaid laſt Will I do give unto R. D. xx.l. my Will now is, that he ſhall have but onely x. li. thereof. And whereas I deviſed to G. S. all my eſtate in one farm called W. in D. &c. which I hold by leaſe of M. B. for xxj. years, my Will is, that he have it onely during ten of the firſt years of the ſaid term, that Elizabeth my daughter ſhall have the reſidue of the ſaid term of xxj. years, towards her preferment in marriage &c. (And ſo of any other Legacy, adding, diminiſhing, or clean deſtroying the ſame, or giving new Legacies, with this clauſe in the end,) And my Will is &c. *ut ſupra in Codicillo ante Teſtamentum.* Sect. 649.

And it is to be noted, that a ſubſequent Teſtament muſt make mention of a precedent Codicill. And ſubſequent Codicils muſt make mention of Teſtaments and Codicils precedent, if any be: For one perſon may make but onely one laſt Will, but as many Codicils as he will. And Codicils may be made without any Teſtament, either precedent or ſubſequent.

Letters of Adminiſtration.

R.P. Legum Doctor Scaccarii Reverendiſſimi in Chriſto patris & dom̃ domini E. permiſſione divina Ebor̃ Archiepiſcopi Angliæ primat̃ & metropolitañ Commiſſarius, dilect' nobis in Chriſto D. L. de S. Ebor̃ dioc' vid̃ ſalutem in domino. Adminiſtration' omnium & ſingulorum bonorum, jurium & creditorum quæ fuerunt I. L. nuper de S. prædicta mariti ſui ab inteſtato (ut aſſeritur) defuncti tempore vitæ & mortis ſuæ infra juriſdictionem dicti Reverendiſſimi patris exiſten' tibi de tua fidelitate plurim̃ confiden' in pios uſus diſtribuend̃ committimus: Sect. 650.

Tequè administrat', in, & de eisdem bonis & cæteris præmissis præficimus, ordinamus, & deputamus per præsentes. Onerañ te in virtute juramenti tui coram nobis in hac parte præstiti quod verum, plenum, integrum, & fidele inventarium omnium hujusmodi bonorum conficias, & nobis exhibeas, debitaq; ipsius defunct', in quibus tempore mortis suæ effectualiter tenebatur, juxta juris exigen' in hac parte bene & fideliter persolvas, necnon compot', calculum sive ratiocinium de administratione tua hujusmodi in Scaccario Eborum reddas, cum super hoc fueris evocat'. Ac præfatum Reverendiss. in Christo patrem, & nos, ac omnes Officiarios & Ministros nostros quoscunque indemnem & indemnes versus quoscunque, ratione administrationis tuæ hujusmodi imperpetuum conserves, Salvo jure cujuscunque. Dat' Eborum &c.

A deputation to a Commissary, or Deane.

Sect. 651. IOhannes R. Legum Doctor, venerabilium virorum domiñ Decani & Capituli Ecclesiæ Cathedral' & Metropoliticæ Eborum, causarum sive negotiorum suor' Auditor sufficient & legitim deputatus, dilect' nobis in Christo H. M. in legibus Baccalaureo Decano decanatus de D. & I. T. clerico, Rectori Ecclesiæ parochialis de T. Ebor' diocef. salutem in dom sempiternam. Ad admittend', ac vice & nomine nostris recipiend' cautiones obligator' præsentibus annex' tam pro secura solutione pecuniarum summar' M. I. B. & C. B. in eisdem nominat', ac eis pro portionibns suis aliisq; legatis & juribus ex bonis & catallis Magistr' A. B. sacræ Theologiæ Baccalaurei, nuper Canonici residentiarii Ecclesiæ Cathedralis & Metropoliticæ & beatæ Petri Ebor' prædict' patris eor' defunct' debit', quam pro indempnitate nostra, ac officiarior' & ministror' nostror' quorumcunq; versus quoscunque, juxta tenores cautionum prædictarum, per quosdam A. S. de M. in comitatu E. generos. R. L. de S. in comitatu N. generos. &c. in præd cautionibus alias etiam nominat' & in diocef. Ebor' degentes ac commorantes pstand', sigilland', & signand', Ac ad omnem juris & facti effect' deliberand', Vobis conjunctim & divisim sigillum de quorum fidelitatibus, circumspectionibus ac industriis plurimum confidimus vices & authorităt nostras committimus per præsentes. Et quid in præmissis feceritis, nos seu locum nostrum tenens seu tenent' circa festum Purificationis beatæ Mariæ virginis proximum futur' post datum præsentium de gestis in hac parte, una cum præsentibus, cautionibus hujusmod' debit' certificetis, (*seu sic*) certificet ille vestrum qui præsent' nostr' commissionem fuerit execut'. Dat' Ebor' sub sigillo officii præd' decimo die mensis Decembris, An' Domini 1592.

Admini-

Administration by the Archbishop of Canterbury, where the intestate had goods in divers Dioceſſes.

I. Providentia divina C. Archiepiſcopus totius Angliæ Primas & Metro- Sect. 652.
politanus, dilecto nobis in Chriſto prænobili viro domino Gilb. Comit moderno S. filio naturali & legitim dom G. nuper Comit S. & Comitis Mariſchalli Angl', præclarique ordin' garterii Milit def. Salutem: Cum idem dominus G. def. habens dum vixit & mortis ſuæ tempore bona ſive jura credit' in diverſis Dioceſ. ſive juriſdictionibus ſuis dum egit in humanis rite & legitime condiderit Teſtament ſuum in ſe continens ultimam voluntatem, in quo ſive qua E.T. & H.T. armig' filios ſuos naturales & legitimos nominaverit, ordinaverit, fecerit, & conſtituerit executor. Qui quidem executores ex certis cauſis animos ſuos in hac parte juſtè moven', oneri execut dict' Teſtament expreſsè renunciaver. Cujus prætextu omnium & ſingulorum bonor, jurium, & credit, antedict' def. plenaria diſpoſitio adminiſtrationiſque eorund commiſſio, Necnon compot calculi, ſive ratiocinii adminiſtrat hujuſmod audit', finaliſque liberatio ſive dimiſſio ab eadem ad nos ſolum & in ſolidum, & non ad alium nobis inferior Judicem notoriè dignoſcuntur pertinere. Nos vero affect' ut bona, jura, & credita dict' def. bene & fideliter adminiſtrent, dictumque Teſtament' perimpleat', ſuumq; debitum ſortiatur effectum, ad adminiſtrand igitur bon', jur, & credit' hujuſmod, juxta tenor & effect' Teſtament' ſupradict' præſentibus annex', ac bene & fideliter diſponend de eiſdem: necnon credita quæcunq; dict' def. petend colligend, levand, & exigend, quæ ad eundem def. dum vixit & mortis ſuæ tempore pertinuerunt, ac primo de ſolvend æs alien' in quo idem def. hujuſmod' mort' ſuæ tempore extitit obligat', deinde legat' in dicto Teſtamento, præſentibus ut præfertur annex' content' & ſpecificat', quatenus bona, jura, & credita ſui hujuſmod' ad hoc extend juxta rat' eorund, Tibi de cujus fidelitate in hac parte confidimus primitus de bene & fidel' adminiſtrand eadem, ac de pleno & fidel' Inventario omnium & ſingul' bonor, jur, & creditor, hujuſmod conficiend, & illud in Cur prærogativæ noſtr Canterb. ſecundo die poſt feſtum aſcen' dom noſtr prox' futur exhibend. Necnon de pleno & vero compoto, calculo, ſive ratiocin' in ea parte reddend ad ſanct' dei Evangelia in perſona Magiſtr G.C. notar publ' procurator tui in hac parte conſtitut jurat plenam tenore præſent committimus poteſtatem. Tequè adminiſtratoř omnium & ſingulor bonorum, jurium, & credit hujuſmod ordinamus, deputamus, & conſtituimus per præſentes. Dat Londin viceſimo tertio die menſis Decemb. Anno &c.

Administration by the Archbishop of Y.

ect. 653. IOhannes providentia divina Eborſ Archiepiſcopus Angliæ primas & Metropol', dilect nobis in Chriſto prænobili viſ G. Comit moderno S. filio natuſ & legit G. nuper Comitis S. ac Comitis Mareſchalli Angliæ, præclarique ordinis Garteri Militis def. ſalut in Domino: Cum dilectus noſter J. B. legum Doctor Curiæ Prærogativæ noſtræ Eborſ Commiſſarius rite & legitime procedens ex certis cauſis coſ eo ex parte tua allegatis & præpolitis, & ex aliis juſtis & legitimis cauſis ſe & Aniſm ſuum in ea parte moventibus ad petitionem patris tuæ literas adminiſtrationis omnium & ſingulorum bonoſ, jurium & creditorum quæ fuerunt dicti def. in & per totam provinciam noſtram Eborum exiſten' alias nobili mulieri domin' E. comitiſſæ S. viduæ relictæ dict domini G. def. per Commiſſarios noſtſ Curiæ noſtſ præd S. conceſſas revocand fore decrevit & revocaverit, ac pro revocatis adminiſtration' juris & facti effectum exinde quoviſmodo ſequi valeñ habere voluerit, declaraverit, & pronunciaverit. Necnon ad petition' patris tuæ adminiſtration' omnium & ſingulorum bonorum, jurium & creditorum quæ fuer ipſius def. infra provinciam noſtram Eborſ exiſten' ſaltem non legitiſm adminiſtratoſ tibi de novo committend fore decreverit, ac etiam tibi in perſona J. S. notarii publici procuratoris tui in hac parte legitime conſtituſ coram eo inform juris primitus jurat commiſſer (juſtitia id poſcent) Tibi igitur de cujus fidelitate plurimum in domino confidimus adminiſtrationem omnium & ſingulorum bonoſ, jurium & creditoſ quæ fuerunt dicti def. infra provinciam Eborſ exiſten' habent dum vixit & mortis ſuæ tempore bona notabilia in diverſis dioceſſ. ſive juriſdictionibus infra provinciam noſtſ Eborſ: cujus prætextu omnium & ſingulorum bonorum, jurium & creditoſ antedicti defunct plenaria diſpoſitio adminiſtrationiſque eorund commiſſio. Necnon compoti, calculi ſive ratiocinii adminiſtrationis hujuſmod auditio, finaliſque ab eadem liberatio ſive dimiſſio ad nos ſolum & inſolidum, & non ad ullum alium Judicem notorie dinoſcuntur pertinere plenarie etiam committimus, Teque adminiſtratoſ de & in eiſdem bonis cæteriſque præmiſſis præficimus, ordinamus & deputamus per præſentes, Onerantes te in virtute juramenti tui prædict quatenus plenum, verum & fidele Inventaſ omnium hſmdi bonorum conficias & nobis in Curia noſtſ præd citra Feſtum Aſcenſionis domini noſtri proxiſm futuſ poſt dat præſentium exhibeas. Debitaque ipſius defunct in quibus tempore mortis ſuæ effectualiter tenebatur juxta juris in ea parte exigen, Necnon legata in Teſtamento præſentibus annex' contenta & ſpecificata juxta facultates bonorum bene & fideliter perſolvas. Necnon compotum, cal-

calculum ſive ratiocinium de & ſuper adminiſtrationem tuam prædictam in curia noſtra prædict reddas cum ſuper hoc fueris evocatus, Ac nos & omnes & ſingul' officiar & miniſtros noſtros quoſcunque indemnem, & indemnes verſus quoſcunque ratione præmiſſor conſerves. Salvo jure cujuſcunque. Dat Ebor ſub ſigillo officii noſtri prærogative prædict ultimo die menſis Decemb. Anno dom. 1590. Et noſtræ tranſlat ad Archiepiſcop Ebor anno ſecundo.

In Dei nomine Amen. Admiſſis probationibus de & ſuper factione teſtament præſentibus annex', coram nobis I. B. legum Doctore & M. S. artiũ Magiſtro Cur prærog' Reverend in Chriſto patris & dom, dom. divina premiſſione Ebor Archiep, Angl' primat & Metropolitan Commiſſariis legitimè deputatis, ipſum teſtam ritè factum & legitime probatum. Nos Commiſſarii antedicti approbamus & inſinuamus, ac pro valore ejuſd declaramus. In cujus rei teſtim ſigillum officii noſtri prædict, præſentibus eſt appoſitum: Dat Eborum ſub ſigillo prædict ultim die menſis Decemb. &c.

Thus much of Teſtaments, Codicils, and Letters of Adminiſtration.

An Inventarie.

AN Inventary is a deſcription or Repertory, orderly made of all dead Sect. 654.
mens goods and chattels, prized by foure credible men, or more, which every executor and adminiſtrator ought to exhibite to the Ordinary, at ſuch time as he ſhall appoint the ſame. And Inventaries ought to be made ſo ſoone as conveniently may be, after the parties death, leſt the goods be imbezled. And for the moſt part they are made thus:

The Inventary of the goods and chattels of A. B. of D. in the county of C. yeoman deceaſed, made and approved by C. D. E. F. G. H. and I. K. the ſecond day of May, in the 36. yeare of the reigne of our Soveraigne Queene Elizabeth &c. 1594.

Inprimis, in ready money.	x. li.
His Apparell.	xl. li.
Item in his bed Chamber, two ſtanding beds with teſtors.	iiij. li.
Item two Featherbeds, and one Downe bed.	x. li.
Item foureteene Blankets.	xxx. s.
Item eight paire of Sheets.	xl. s.
Item fire Coverlets, and two Coverings.	viij. li.

In like manner every thing, as woollen, linnen, wine, oyle, beere, ale, corne

corne, and graine, hay, wooll, flax, wood, coales, yron, lead, houshold stuffe of all sorts: as tables, hangings, chaires, cushions, chests, pots, pannes, pewter, vessell, brewing vessels, implements of husbandry, leases, debts due to the dead man, or by him due to any other, corne upon the ground, horses, oxen, kine, sheepe, swine, pullen, &c. And for the houshold stuffe either to set downe what is in every severall roome: as every parler, chamber, study, shop, buttery, celler, pantrie, hall, diery, kitchin, brewhouse, backehouse, laundry, barne, stable, orehouse, cowhouse, dovehouse, slaughterhouse, milkehouse, and every other house. Or else (which seemeth better) to sort all things of one kind together, as all brasse together, all pewter together, all bedding together &c. prising every thing severally by it selfe. And then to subscribe the same Inventary with the names of the same praisors, in the presence of sufficient witnesses. And this ought to be done with great diligence, care, and sincerity, that the true value of every thing may be knowne, to the end that the dead mans children or kinsfolkes, his legatories and creditors may have their owne, without such fraudulent concealing, as in like cases is daily committed.

Per nos A.B.C.D.E.F.G.H.

Instruments in Merchants affaires.

A Charter partie.

Sect. 655. IN the name of God, Amen. This Charter party of a fraightment made betweene R. F. of London Mercer, and E. W. of Redderlie in the county of M. Master under God of the good ship called the R. of L. of the burden of 300. tunne, or thereabouts, now riding at an anchor in the river of Thames of the one party, of which ship the said R. and E. are party owners. And T. C. Mercer, and R. S. Haberdasher, Merchants of London owners of the other party and residue of the said ship of the other party, Witnesseth, that the said R. F. and E. W. have granted and letten to fraight all their part of the said ship unto the said T. C. and R. S. for a voyage with her to be made (by Gods grace) in manner and forme following, that is to say: The said R. F. and E. W. for their part doe covenant and grant, to and with the said T. C. and R. S. by these presents, That the said ship with the first good wind & weather that God shal send next after the date hereof, shall (by Gods grace) directly saile from the said river of Thames, with such goods & merchandises as shall be laden in her into the port of Legorne in Italy under the dominion of the Duke of F. and there shall discharge such goods & merchandises as shall be appointed

there

there to be unladen, and from thence shall take her direct course with as much convenient speed as may be unto the Isle of Zanta in Grecia, under the government of the Seignory of Venice, & there shall tarry and abide by the space of forty working dayes, next after her first arrival there at anker, for to unlade such goods and merchandizes, as is, or shall be appointed there to be unladen straight free. And also within the same time shal relade such goods wares, and merchandize as the said T. and R. their factors and assignes will there charge and lade into the said ship after the rate as followeth, that is to say: accompting rr. C. net of Currance for a tunne, rv. barrels of Oyle for a tunne, so many gallons as will fill foure hoggesheads for a tunne, and for all other ware and merchandise to be laden in the said ship by the said T. & R. their factors or assignes, after such rate as shall be thought reasonable and convenient by iiii. indifferent persons, whereof two to be chosen by the said T. and R. and the other two by the said R. E. And that the said ship with her burthen, shall with the first and next good wind and weather after the expiration of the said rl. working dayes (by Gods grace) directly saile and come from the Isle of Zanta, unto the said City of L. for her right discharge, or as neer thereunto as she conveniently may. And the said T. and R. doe covenant and grant, and either of them covenanteth and granteth by these presents, That they, their factors, deputies or assignes, or some of them, shall and will well and truly pay, or cause to be paid to the said R. and E. or to either of them, their, or either of their certaine attorney, executors, or administrators, in the said City of London, vi. li. of &c. for every Tunne of such wares and merchandizes as aforesaid, as shall be laden in the said ship by the said T. and R. their factors, deputies, or assignes, ratably, according to the parts and interests of the said R. and E. of, and in the said ship, in manner and form following, that is to say, One third part thereof upon the right discharge of the said ship, and one other third part thereof within the space of fire weekes then next following, and the residue thereof within the space of vi. weekes then next insuing. And the said R. and E. doe covenant and grant, and also warrant, that the said ship for their parts shall be strong and staunch, and well and sufficiently victualled, tackled, and apparelled with saile, yards, anchors, ropes, gunnes, shot, artillery, gunpowder, and all other instruments, tackle, and apparell needfull and necessary in such a ship for a like voiage, Together with an able Master, 56. men and a boy, which men and boy shall be ready at all due times, with the Cockboat of the said ship, to serve the said Tho. and R. their factors and assignes, to, and from land during the said voiage. And also to discharge and relade the said ship as opportunity shall serve. And to the aforesaid covenants, grants, articles, and all other things, on the parts of every the

parties aforesaid, truely to be holden, kept, and performed in all things as is aforesaid, the same parties do bind themselves one to the other, that is to say: The said R. & E. and either of them doe by these presents bind themselves, and their severall executors and goods, and their severall parts and interests in the said ship, with the furniture of the same, to the said T. and R. and to their executors, and administrators. And the said T. and R. and either of them doe likewise bind themselves, their executors, and administrators, and all their goods to the said R. and E. their executors, and administrators, in the summe and penalty of 1200. li. of lawfull &c. by the parte or parties infringing covenant to the parties observing, truly to be payed by vertue of these presents. In witnesse &c.

Another Charter partie.

Sect. 656. IN the name of God Amen. This Charter party indented of a fraightment made betweene T. P. Citizen and Alderman of London, & R. C. Citizen & Draper of London, owners of the good ship called the Primrose of London, of the burden of 140 Tunnes, or thereabouts, at this present riding in the River of Thames within the port of London, whereof is master under God for this voyage T. W. on the one party, & W. L. Merchant of P. now resident in London on the other party, Witnesseth, that the said owners and master have granted & letten the said ship to fraight to the said Merchant: and that the said Merchant hath hired the said ship for a voiage with her to be made, by Gods grace, in forme insuing, that is to say: The said Owners and Master, for them, their executors and administrators, & every of them doe covenant & grant, & every of them covenanteth & granteth by these presents, to, & with the said Merchant, his executors & administrators, & every of them in forme following, that is to say: That the said ship shall ride and tarry within the river of Thames, untill the xvi. day of this instant Moneth of July, & shall receive into her within the said Port of L. fraight free, all such goods, wares & merchandizes, as it shal please the said Merchant, his factors or assignes, there to charge & lade into her before her departure, And not to receive into her before her departure any the goods or merchandizes of any person or persons without the special consent & agreement of the said Merchant, his factors, or assignes, except three packs of merchandize fraight free, of the proper goods of the said R. C. And that the said ship shall with the first good wind & weather that God shal send next after the said sixteenth day of this said instant Moneth of July, depart & sail from the Port of the said City of London, with the said received goods of the said Merchant unto Gods end of this Realme, where she shall tarry and abide by the space of ten dayes next insuing her first arrivall there, at an Anchor, to receive into her fraight free, as much corne as she may safely carry over, besides her victuall, tackle, apparell, munition and furni-

furniture. And moreover that the ſaid Ship ſhall with the firſt good wind and weather that God ſhall ſend, next after the expiration of the ſaid ten dayes, directly ſaile from Gore end aforeſaid unto L. in the Realme of P. as nigh the ſame Towne as ſhe may ſafely arrive to make her right diſcharge: Where the ſaid Ship ſhall tarry & abide by the ſpace of forty five dayes next enſuing her firſt arriual there at an Anchor, as wel to diſcharge ſuch goods received into her within the ſaid Port of London & at Gore end aforeſaid, as alſo to recharge and receive into her, one hundred and forty Tunnes in all ſuch goods, wares and merchandizes, as it ſhall pleaſe the ſaid Merchant, his Factors or Aſſignes, there within the ſaid forty five dayes to lade into the ſaid Ship before her departure. Provided alwayes, and it is agreed betweene the ſaid parties to theſe preſents, And the ſaid Owners and Maſter doe covenant and grant, for them, their executors and adminiſtrators, and every of them by theſe preſents, to & with the ſaid Merchant, his executors and aſſignes, That if the ſaid Merchant, his Factors or Aſſignes, cannot within the ſaid forty five dayes lade the ſaid Ship at L. aforeſaid, That then the ſaid Ship ſhall tarry and abide at L. aforeſaid, by the ſpace of fifteene dayes next after the expiration of the ſaid forty five dayes. And that the ſaid Ship being as above at L. aforeſaid laden, ſhall with the firſt good wind and weather that God ſhall ſend thereunto moſt apt & convenient, next after the expiration of the ſaid abiding dayes, or ſo ſoone as ſhe ſhall be laden, directly ſaile from thence unto A. or London, to ſuch of the ſame places, where it ſhall pleaſe the ſaid Merchant, his Factors or Aſſignes, that the ſaid Ship ſhall make her part of diſcharge. In conſideration whereof, the ſaid Merchant, for him his executors, factors, and aſſignes, & for every of them, doth covenant, and grant by theſe preſents to and with the ſaid owners and maſter, their executors, adminiſtrators, and aſſignes, that he the ſaid Merchant, his executors, or aſſignes, ſhall and will as well within the ſaid Port of London, and at Gore end, as at L. aforeſaid within every of the ſaid limited abiding dayes, as well diſcharge the ſaid Ship, as recharge and lade into her one hundred and forty Tunnes of whatſoever goods or merchandizes (reckoning and accounting two Pipes for a Tunne, foure Hogſheads for a Tunne, three Puncheons for a Tun, ſix Tertians for a Tunne, two and twenty Bintals and a halfe of the weight of Andolozen for a Tunne:) & of bagges of ſpices, and Cheſts of ſugar according to the uſe of Merchants and Merchandize. And alſo that he the ſaid Merchant, his factors or aſſignes, ſhall within the ſaid abiding dayes at L. aforeſaid, or ſo ſoon as the ſaid Ship ſhall be there as above laden, give their notice unto the ſaid Maſter or his aſſignes, whether the ſame Ship ſhall make her right diſcharge at A. or London. And alſo that he the ſaid Merchant, his factor

or

or assignes, shall and will truly pay or cause &c. unto the said owners, or to one of them, their executors or assignes, for every Tunne of the said ships lading that shall be discharged or unladen at London aforesaid, l.s. of lawfull money of England, the one halfe thereof within five dayes next after the right discharge of the same Ship at London aforesaid, And the other halfe thereof, within one moneth next ensuing the expiration of the same six dayes, together with petilodeminage, primage, & overage, wont and accustomed. And also that he the said Merchant, his factors or assignes, shal truly pay or cause &c. to the said owners or their assignes, fraight for every Tun of the said Ship lading, from L. aforesaid, that shall be discharged at A. aforesaid, five and fifty shillings and eight pence of lawfull money of England, or the just value thereof in money there current, the one halfe thereof within six dayes next insuing the right discharge of the said Ship at A. aforesaid, and the other halfe thereof within one moneth next insuing the expiration of the said five dayes, together with petilodeminage, primage, and overage, wont and accustomed. And moreover that he the said Merchant, his factors, or assignes, shall and will for every day that the said Ship shall tarry as above at L. aforesaid (over and above the said forty five dayes) there truly pay or cause to be paid, &c. to the said Master or his assignes, five Duckets of money there current without fraud or guile. And the said owners and maisters do covenant, grant, and warrant by these presents, that the said Ship shal be able to receive into her under hatches at L. aforesaid, over and besides her victuall, tackle, and apparell, the said quantity of Crl. Tunnes. And that the said Ship is and shall be strong, and staunch, and well and sufficiently victualled, tackled, apparrelled, and furnished with masts, sailes, saileyards, anchors, cables, ropes, cords, guns, gunpowder, shot, artillery, tackle, apparell, boate and furniture meet and decent for such a Ship, and for such a voiage, together with an able Master, five and twenty able men and a boy: which men and boy shal be ready at all times convenient during the said voiage, with the cock or boat of the said Ship to serve the said Merchant, his factors and assigns to and from land. And to all and singular covenants, grants, and articles above expressed, which on the behalfe of the said owners and maisters and every of them, are well and truely to be kept and performed in all things as above, the said owners and maisters bind themselves, their executors, and administrators, and every of them, and specially the Ship aforesaid, with the fraight, tackle and apparell of the same, to the said Merchant and his executors and administrators, in the penalty and summe of foure hundred pounds of lawfull money &c. truly to be paid by these presents. And in like manner to all and singular covenants, grants, articles, and agreements above expressed which on the behalfe of the said Merchant his factors

dors and assignes, and every of them are truely &c. the said Merchant bindeth himselfe, his executors, administrators and goods, and every of them unto the said owners, and their executors and administrators, in the like penalty and summe of foure hundred pound of &c. truely to be paid by these presents. In witnesse whereof the parties aforesaid to these Charter parties indented, interchangeably have set their seales. Dated 3 die Julii, Anno xxiiij. dom. nostræ reginæ Elizabethæ,

A sale of a quarter or a fourth part of a ship.

TO all Christian people to whom this present writting shall come, H. B. Sect. 657. of London Esq. owner at this present of one quarter or fourth part of the good Ship or Barke called the Minikin of London, and of one quarter or fourth part of all her masts, sailes, saile yards, anchors, cables, ropes, cords, gunnes, gunpowder, shot, artillery, tackle, apparell, munition, boat, scisse, & furniture whatsoever to the said Ship belonging or appertaining, sendeth greeting in our Lord God everlasting. Know ye that I the said H. B. for and in consideration of the summe of thirty pound &c. whereof &c. Have given, granted, bargained and sold, and by these presents doe give, grant, bargaine, and sell unto the said T. P. the said one quarter or fourth part, as well of the said Ship or Barke called the Minikin, as of all the masts, sailes, saile yards &c. and furniture whatsoever, to the said Ship belonging, or in any wise appertaining. To have and to hold the said one quarter or fourth part as well of the said Ship, as of all and singular other the premisses before by these presents mentioned or intended to be bargained and sold unto the said T. P. his executors and assignes, as his and their owne proper goods, to his and their owne proper use for ever. And I the said H. B. for me &c. doe covenant &c. That I the said H. B. the day of the date hereof, am the very true lawfull and perfect owner of the said one quarter or fourth part of the said Ship, and of all and singular other the premisses by these presents mentioned to be bargained and sold and of every part and parcell thereof. And that the said one quarter or fourth part of the said Ship, and all other the premisses by these presents mentioned to be bargained and sold, & every part & parcell thereof, the day of the date hereof, & at the insealing and delivery of these presents, now are and be and so from henceforth shall continue, remaine, and be unto the said T. P. his executors and assignes, cleere and cleerely acquited, eronerated, and discharged, or sufficiently saved and kept harmlesse by me the said H. mine executors and assignes, as well of and from all and singular former bargaines, sales, gifts, grants, troubles, and incumbrances whatsoever, had, made, committed, caused, procured or done by me the said H. or by any other person or persons, by my meanes, knowledge, sufferance,

rance, consent or procurement: As also of, for, and from all and singular debts and summes of money which the said Shippe or the said quarter or fourth part thereof, and other the premisses by these presents bargained and sold, is or right indebted or in any wise chargeable to any person or persons whatsoever. And I the said H. mine executors and administrators, and every of them, the said one quarter or fourth part of the said Ship and all and singular other the premisses before by these presents mentioned to be bargained and sold unto the said T. P. his executors or assignes, against all men that shall or may pretend or claime any lawfull right, title, or interest, of, in, or to the said quarter, or fourth part, as well of the said Ship, as other the said premisses, above by these presents mentioned to be bargained and sold, or of, in, or to any part or parcell thereof, within one whole yeare and a day next insuing the date of these presents, shall and will warrant, discharge, and defend by these presents (perill of seas, fire, and enemies only excepted.) In witnesse &c.

A sale of a Ship in a short forme.

Sect. 658. TO al Christian people to whom this present writting shal come, James A. Citizen and I. of London, owner of the good Ship called the Bonaventure of H. of the burden of 200. Tuns, or thereabouts, now riding at an anchor in the river of Thames within the Port of L. and of all and singular masts, sailes, saileyards, anchors, cables, ropes, cords, gunnes, gunpowder, shot, artillery, tackle, apparell, munition, boat skiffe, and furniture whatsoever to the said Ship belonging or appertaining, sendeth greeting in our Lord God everlasting. Know yee, that I the said I. A. for & in consideration of the summe of &c. of lawfull money of England, to me in hand before the insealing and delivery hereof truely payed by W. R. of London merchant (of which summe I the said I. A. doe acknowledge the receit by these presents,) Have bargained and sold, and by these presents doe bargain and sell unto the said W. R. the said Ship called the B. of H. and all and singular the said masts, sailes, saileyards &c. to the said Ship belonging or appertaining, or to or with the said Ship now used or occupied. To have and to hold the said Ship called the B. &c. and all and singular the said masts, sailes saileyards, anchors, cables, ropes, and all and singular other the premisses hereby mentioned to be bargained and sold to the said W. R. his executors, administrators, and assignes, to and for the onely and proper use and behoofe of the said W. R. and of his executors, administrators, and assignes for ever. And I the said I. A. mine executors, and administrators, the said Ship & other the premisses hereby mentioned to be bargained & sold to the said W. R. his executors and administrators, against all men shall warrant and defend by these presents, for

one

one whole yeare and a day next inſuing the date hereof, accoꝛding to the law of Oleron (perill of ſea, fire, and enemies onely except.) In witneſſe &c.

A Bill of Lading.

Jeſus in London the 16. of June, 1598.

LAden by the grace of God in good ſafety within the Poꝛt of London by H. A. and R. I. of London afoꝛeſaid Merchants, upon the good Ship called the M. of London afoꝛeſaid (whereof is Maſter under God L. M.) ten packets of Flax, every packet containing foꝛty eight bundels, marked with the mark in the margent hereof, and eighteen laſts of Pitch, being not marked, to be conveyed in the ſaid Ship to the Poꝛt of C. in Bꝛitain, and there to be conſigned, well conditioned unto A. B. Factoꝛ of the ſaid H. A. and R. I. In witneſſe of the truth whereof, the Purſer of the ſaid Ship hath firmed two Bils of one tenoꝛ, one being accompliſhed, the other to reſt voyd. Sect. 659.

A Bill of Exchange.

Laus Deo, in London 26. Junii, 1598.

AT double uſance, I pꝛay you pay by this my firſt Bill of Exchange, my ſecond and third not being payed to R. P. Merchant, oꝛ the bꝛinger hereof, the ſumme of one hundꝛed pounds Flemiſh money, currant in H. foꝛ merchandizes, and is foꝛ the very value thereof here by me received of the ſaid R. P. At the day I pꝛay you make him good payment. And thus God keep you. Sect. 660.

Per me A. B.

Nota, Bils of exchange are commonly directed, and to be anſwered in foure manners, viz.

1 At ſight, which is upon ſhew of the Bill.

2 At half uſance, which is at the end of half a moneth after the date of the Bill.

3 At uſance, which is at the end of a moneth after the date of the Bill.

4 At double uſance, which is at the end of two moneths after the date of the Bill.

A Bill of Credit.

Sect. 661. THis present writing witnesseth, That I T. S. of London Alderman do undertake to and with R. C. of the City of Bristow Merchant his executors and administrators, that if he deliver unto A. B. or unto any of his assigns to his use, any summe or summes of money amounting to the summe of five hundred pound of lawfull money of England or under, and shall take a bill under the hand and seale of the said A. B. confessing and shewing the certainty thereof, That then I, mine executors or administrators having the same Bill to us or any of us delivered, shall immediately upon the receit of the same Bill pay or cause to be payed to the said R. C. his executors or assignes all such summes of money as shall be contained in the said Bill. To the which payment truly to be made, I binde me, mine heirs, executors, and administrators by these presentes. In witnesse &c.

A protest for not accepting of a Bill of Exchange.

Sect. 662. IN Dei nomine Amen. Universis & singulis præsens protestationis instrumentum visuris, lecturis, seu audituris pateat evident, & sit notum, qd anno domini millesimo quingentesimo nonagesimo octavo, &c. anno regni dominæ nostr Elizabethæ, dei gratia Angl', Franciæ, & Hiberniæ Reginæ fidei defensatricis &c. quadragesimo, mensis vero Septemb. die duodecimo. In mei notarii publici infra nominati, testiumque infrascriptorum præsentia, personaliter constitutus, providus & discretus vir dominus R. H. de Londin Mercat, habens in manus quasdam literas originales Cambii, sequentis tenoris, viz. Laus deo in H. the xtj. of August 1598. At usance it may please you to pay by this my first Bill of Exchange, my second and third not being paid, unto R. Y. of London Merchant or to his assignes, the sum of lxtij. li. sterling, and is for so much received here for R. S. after xx. s. ix. d. per pound, of the which aforesaid summe of lxtij. li. at the day it may please you to make good payment, and to charge it to your account, And so God keep you. Subscriptio erat, per me Edwardum Barney: Superscriptio vero, To the worshipfull J. W. Merchant in London. Primo, Requisivit me dictum Notarium ut secum & dictis testibus me contulerim ad ædes dicti J. W. sitas in platea nuncupat' C. Londin, ut easdem cambii literas eidem præsentaret acceptandas, Quibus quid literis sic præsentatis, idem J. W. responsum dedit & dixit se eas acceptare nolle, Qua quidem responsion' sic data & per dict' R. H. firmiter audita & intellect' protestatus est, & scire præsentium protestatur, tam contra prædict' E. B. subscribendum, quam contra quoscunque alios ad quos quomodocunq; pertinere ut debetur de cambiis,

biis, recambiis, omnibuſque aliis damnis, expenſis, amiſſis, & intereſſe, quæ prænominatus R. H. paſſus eſt, patitur, aut poſthac adhuc, forte pati cogitur, ob defect' acceptionis literar' cambii prædict'. Acta fuer' hæc Lond. omnia & ſingula prout ſupra ſcribunt', recitant' & præſentibus tunc ibim' A. B. & C. D. Mercatoribus Londinenſibus, Teſtibus ad præmiſſa vocatis ſpecialiter, atque rogatis.

Et ego A. B. Civis Civitatis Londini publicus dictæ Regiñ Majeſtatis notarius admiſſus atq; juratus, quia una cum prænominat' Teſtibus præmiſſis interfui, igitur hic me ſubſcripſi ſignumque meum ſolitum & conſuetum appoſui, rogatus in fidem præmiſſorum.

An aſſurance or policy upon goods laden in a Ship to be tranſported from one Port to another.

IN the name of God, Amen. The twentieth day of December, in the Sect. 663. year of our Lord God one thouſand &c. and in the fortieth year of the raign of our Soveraign Lady Elizabeth &c. Be it known unto all men by theſe preſents, That William W. of London Merchant, as well in his own name as in the name of all and every other perſon and perſons, of what nation, condition or quality ſoever he or they be, to whom it doth, may or ſhall appertain in part or in all, doth make aſſurance, and cauſeth him and them, and every of them to be aſſured from the Port of S. to the Port of London upon ſugars or any other kind of Merchandiſes whatſoever, laden or to be laden by him or them, or for him and them, or in his or their, or any of their names, or in the name of any other perſon or perſons in the good Ship called the P. of H. whereof is Maſter I. B. or whoſoever ſhall goe for Maſter in the ſaid Ship, and by whatſoever other name or names the ſaid Ship, or Maſter is, or ſhall be named or called: Beginning the adventure from the day & hour that the ſame goods were or ſhall be laden aboord the ſaid Ship at S. aforeſaid, and to continue and endure untill ſuch time as the ſame Ship ſhall be arrived to the ſaid Port of L. and the goods there laid on land in good ſafety. Touching the adventure and peril which the aſſurers hereunder named are contented to bear and take upon them in this preſent voyage, is of Warre, Fire, Enemies, Rovers, Jetteſon, letters of Mart, Detainment, Arreſt, and reſtraint of Princes, or of any other perſon or perſons, Barratry of the Maſter and Mariners and of all other perils and fortunes whatſoever they be, or howſoever it ſhall chance, to the hurt of the ſaid goods or any part thereof. It is to be underſtood, that this preſent writing ſhall be of as much

much force and effect, as any other writting of assurance which is used to be made at the Royall Exchange in London, or at the Burse in A. And so the said Assurers are contented, and doe binde and submit themselves, their executors, administrators, and goods. And for witnesse of the truth, the said Assurers hereunder shall subscribe with their own proper hands. God send the good Ship in safety.

I James H. do agree to this assurance, for the summe of one hundred pounds, the xx. day of December, Anno Domini &c. God save the good Ship. C. li.

I B. N. doe agree &c. ut antea.

An assurance or policy upon the life of a man for a certain time.

Sect. 664. IN the Name of God, Amen. Be it known unto all men by these presents, That R. W. of London, D. doth make Assurance and causeth himself to be assured upon the naturall life of T. B. for and during the space of five Moneths, next ensuing the underwriting hereof by the persons hereafter subscribed, fully to be compleat & ended, Which said T. B. is now in health and well, and meaneth not to travel out of England: The which assurance we the persons hereunder named, for, and in consideration of certain currant money of England, by us received at the subscribing hereof of the said R. W. after the rate of five per cent', whereof we acknowledge our selves, and every of us by these presents truly satisfied and paid, doe take upon us to bear. And we doe assure by these presents, that the said T. B. by what addition soever he is or shall be named or called, shall by Gods grace continue in this his naturall life, for, and during the space of five moneths, as aforesaid: Or in default thereof, every of us the assurers to satisfie, content, & pay, or cause &c. unto the said R. W. his executors or assignes, all such sum and sums of money as we the assurers shall hereafter severally subscribe: Promising and binding our selves each one for his own part, our heirs, executors, and administrators by these presents, That if it happen the said T. B. to die or decease out of this present world, by any ways or means whatsoever, before the full end of the said five moneths be fully expired, That then we, our heirs, executors, or administrators, within two moneths next after true intimation thereof be to us, our heirs, executors, or administrators, lawfully given, shall well and truly content and pay, or cause &c. unto the said R. W. his executors, administrators, or assignes, all such summe and summes of money, as we the assurers shall hereafter severally subscribe, without any further

ther delay. It is to be underſtood, that this preſent writing and aſſurance being made and regiſtred, according to the Queens Majeſties order and appointment, ſhall be of as much force and effect, as the beſt and moſt ſure policy or writting of aſſurance which hath been ever heretofore uſed to be in Lombard ſtreet, or now within the Royall exchange in London. And ſo we the aſſurers are contented, and do promiſe and bind our ſelves, and every of us, our heirs, executors, and goods by theſe preſents, to the aſſured, his executors, adminiſtrators, and aſſignes, for the true performance of the premiſſes, according to the uſe and cuſtome of the ſaid ſtreet, or Royall exchange: Submitting our ſelves to the order, determination, and judgement of ſuch Merchants as now be or hereafter ſhall be ſworn and authoriſed by the Lord Maior of the City of London for the time being, for the deciding and ending of cauſes of Aſſurances. And in teſtimony of the truth, we the aſſurers have hereunto ſeverally ſubſcribed our names and ſummes of money aſſured. Given in the office of aſſurance within the Royall exchange in London the 14 day of May 1596.

I Joh. B. am content with this aſſurance (which God preſerve) for the ſumme of fifty pounds, the 14. of May 1596. } L. li.

I Tho. L. am content &c. ut ſupra.

An obligation in French, for payment of a certain ſumme of money.

AV Nom de dieu Amen, Sachent touts preſentz & avenir, que ce Iour huy dernier du moyes de Feburier, l' an de noſtre Seignieur Ieſus Chriſt Mil cinq ceus quatre vingtz & ſept, ſtile d' Angleterre, & de Reigne de noſtre Sereniſsime Dame Elizabeth par la grace de Dieu Roigne d' Angleterre &c. l' an Trentieſme. Par devant moy A. B. Notaire & Tabellion publiq demeurant a Londers, per l' authoritate de la Majeſty dela dicte Roigne admys & jure, & en la preſence des teſmoignz cy deſſoubz nomez comparant perſonallement, P. B. Merchant de Bourdeaulx. Le quel comparant de ſon bon gree, franche, & libre volonte, ſans aulcune conſtrainte a recognu & confeſſe devoir bien & joyaulment a honeſte homme G. B. Maiſtre de Navire de Bourdeaulx de preſent demeurant a Redderif en la Countee de Surrey, en ce royaulme d' Angleterre a ce preſent, & acceptant Sect. 665.

la ſomme de treize lieures ſix ſoulz & huict deniers ſterlings, montant a Raiſon de troys eſcuz d' or ſol. & un tiers pour liure, a la ſomme de quarante quatre eſcuz d' or ſol. & vingt ſept ſoulz Tournoys, & ce pour ſemblable ſomme que ledict Comparant confeſſe que ledict G. B. avoyt paye pour luy a G. H. Maiſtre de Nauire Angloys demeurant a Lee en la County d' Eſſex en ce dict' royaulme. La quella ſuſdicte ſomme de quarante quarte eſcuz d' or ſol. & vingt ſept ſoulz Tournoys, ledict' Comparant a promis & promet par ces preſentes payer, ou faire payer bien & fidelement audict G. B. ou a ſon ayant cauſe, devant le quatrieſme jour de Decembre prochainement venant apres la date de ces preſentes ſans ulterieur delay, a paine de payer oultre, & par deſſus ladicte ſomme principalle, touts, deſpens, domages, & intereſtz: Obligeant a ce ledict Comparant ſa perſon, & touts & cheſcuns ſes biens meubles & immeubles, preſentz & a venir, a eſtre prins & vendus per Iuſtice, come ſi par ſentence de Iudge competent il fuſt a ce condempne, & ladicte ſentence fuſt par luy approuvé & ratificeé. Et ledict Comparant a renonce, & renonce par ceſtes a touts loix, droits, cuſtumes, benefices, priviledges, & exceptions, qui luy purroyent ſervier contre l' effect de ces preſentes, & ſpeciallement au droit diſant generalle renunciation des loix non valoir, ſi l' eſpecialle ne precede. Le tout a la bonne foys ſans fraude ou colluſion. Ce fuit ainſy fact & paſſe en ceſte Cite de Londres, es preſences de A. C. & C. D. Merchantz, Teſmoignz a ce appellez & requis.

In teſtimonium præmiſſorum, ego Notarius publicus ſupranominatus præſens inſtrumentum ſigno meo manuali ſolito ſignavi, requiſitus.

An Obligation by one in the name of another, by vertue of a Procuration, where the Conſtitutor is charged for the debt.

Sect. 666. IN Dei nomine Amen. Anno Domini noſtri Jeſu Chriſti, Milleſimo quingenteſimo octageſimo nono, die vero ſecundo menſis Septembr ſtilo novo, qui eſt vigeſimus tertius menſis Aug. ſtilo Angl', comparuit coram

coram me R.B. Notario & Tabellione publico, per conſilium privatum, necnon Provincial' Ducatus B. admiſſo & approbato, & teſtibus infraſcriptis G. G. de &c. uti Procurator ad infraſcripta plene, & ſufficient conſtitutis magnifici D. Ro. M. Senatoris, Aldermanni & Civis Civit L. uti apparet per mandatum ꝓcuratorium ibidem originaliter exhibit deſcript in membrana ſignat & ſigillat uti apparet, per dictum R. M. & rogatum, manu T. P. Notarii publici Londini, ſub die xvj. menſis Junii ultime præteriti, de ann' præſenti Milleſimo quingenteſimo octuageſim nono, ſtilo Angl', & in ea qualitate ſponte & deliberate confeſſus eſt, & confitetur p has præſentes, bene, fideliter, & titulo veri, juſti, & legit debit, debere magnifico D. Bartholomeo B. Patricio Januenſi ibid præſent & acceptanti ſummam &c. legalis monet Ang', pro valore ejuſdem ſummæ pro parte dicti Magiſtri D. R. ab eod Creditore plene & integralit habito & conſecuto, ad ipſius D. comparentis nomine, & qualitate qua ſupra, plenariam ſatisfactionem: Renuncians ad hunc effectum exceptioni non numeratæ pecuniæ & quibuſcunque appendicibus ejuſd. Quam quidem ſummam &c. legalis monetæ Angliæ dictus G. G. procuratorio nomine quo ſupra, bene & fideliter ſolvere & ſatisfacere promiſit & promittit per has præſentes, præd Magiſtro D. B. B. vel actionem ſeu mandatum ſuum habenti in dicta Civitate Londinenſi, viz. medietatem præd ſummæ &c. quæ aſcendit ad &c. dictæ monet Angl', die primo menſis Januarii proximo futuro poſt datum præſentium. Reliquam vero medietatem quæ ad ſimilem ſummam &c. dictæ monet Angl', die primo &c. ſine aliqua contradictione aut mora: Aut alias (ultra præd ſummam) dictus D. R. M. præfato Creditori ſolvere & ſatisfacere tenebitur, omnia dampna, expenſa, & intereſſe, ob defectum dictæ ſolutionis, & cujuſlibet partis ejuſdem habita & paſſa, & ſeu habenda vel patienda. Et pro præmiſſorum plenaria obſervatione dictus G. G. obligavit, & obligat per præſentes præfat D. R. M. ſuum principalem ſuoſque hæredes, executores commiſſos, atq; omnia & ſingula ſua bona mobilia, & immobilia, præſentia & futura, tam ultra quam citra mare ubicunq; exiſtentia. Renuncians omnibus & ſingulis exceptionibus, legibus & favoribus in contrarium. Petens & conſentiens a me Notario ſupra præmiſſa fieri inſtrumenta & acta publica in omni meliori forma. Actum in ædibus mei Notarii in platea vocata &c. ſitis, præſentibus ibidem, A. B. & C. D. teſtibus ad præmiſſa vocatis & rogatis. Et dictus Comparens ſubſignavit ſchedam procuratorio nomine ut ſupra. G. G.

Ego Notarius & Tabellio publicus ſupra, & infraſcriptus, per copia ex actis meis fideliter tranſſumpta & concordare reperta, hic me ſubſcripſi.

R. de B. Notarius publicus.

A Cession or transport of a reſt of an Accompt due for Merchandizes.

Sect. 667. AV Nom de Dieu Amen, L' an de la Nativity de noſtre Seigneur Dieu ſelon le cours & computation du pays d' Angleterre Mil cinq cent quatre-vingtz & quatorze, & l' an du Regne de noſtre Sereniſſime Royne Elizabet a preſent regnant xxxvii. le dixieſme jour du moys de Feburier, Pardevant moy A. B. Notaire & Tabellion publiq, par l' authorite de la dite ſereniſſime Royne admys & jurè, & en la preſence de teſmoignz deſſoubz nomez comparut en propre perſonne, Pierre L. Marchant demeurant en Londres, lequel pour aſſever a F. V. Marchant demeurant en Middlebourgh, de toutes debtes & ſommes des deniers par ledict Comparant audict F. V. devez tant pour argent content & joyaulx que autres merchandizes; Renonceant en ce a toutes excepcions quelz conques, en la meilleure forme & maniere que de droit, cuſtome, ou aultrement luy ſoit aucunement permis, librement & franchement, pour luy & ſes heires & executeurs, a cede & tranſporte, Cede & tranſporte par ceſtes librement & franchement, audict F. V. (acceptant & recepuant) tout le droit, tiltre, & action que le dit Comparant a, ou aucunement y a luy appartient, ou appurtenir pourra intenteé, contre Pierre Van G. Marchant demeurant en Amſterdam, a cauſe due reſte du compte procedant de Soixante drapz appellez **Devonſhyre kerſies**, Cent pieces de drapz appellez Nordres douzantes, Trent & deux pieces de drapz appelles Nordre, Cariſees a larges liſtes. Vingt pieces de Cariſees appelles **kettell whites**, & treize pieces de drapz de Nord appelles **Norden cloth**, montantz a la ſomme de onze cent quarte vingtz & onze lieures & diz ſolz, de monoye de Flaunders, ſelon l' accompt & ſcedule eſcript & ſoubſcript de la mayn propre dudit Comparant, & a ces preſentz attache: Leſquelles Cariſees & drapz deſſus nommes, le dit Pierre Van G. a receu, come de biens propres dudit Comparant our luy en faire compe & ment come eſt juſte. Conſtituant ledit Comparant le dit Francoys venant leſcul, veray, & legittime Maiſtre, droiturier, poſſeſſeur, & proprietarie de la dicte action, droit & tiltre qu' il a, ou aucunement peult, ou purroyt avoyr contra le dit Pierre Van G. tant a cauſa diſditz Cariſee & drapz

&

et compte avantdit, come des deſpens, domaiges, et intereſtz, qu'en ſeront adiudgz ou recouurez; Le tout pour in faire uſer et diſponer come des propres byens dudict F.V. a luy appurtenants, et a iuſte tiltre acquis, et ce autant largement come le dict Comparant faire pouuoyt devant la data de ce preſent tranſport, a la charge que le dict F.V. ayt a rendre compte, et reliqua audict Comparant de ſurplus que procedera dudict G. a cauſe que deſſus. Et le dit Comparant renounce per ceſtes touts exceptions, priviledges et benefic.s, des droyts que luy pourroyent ſervir ou valoir contre l'effect de ceſtes : Requerant et conſentant ledit Comparant de ce que deſſus par moy notayre ſuſdict eſtre expedie Inſtrument, un ou pluſieurs en forme publique. Ainſi faict & paſſe a la maiſon de moy Notayre ſuſdict en Londres, en la preſence de Hubert F. et A. B. teſmoigns ad ce prize et requis, l'an et jour que deſſus. Et le dict Comparant en plus ample teſmoignage de tout ce que deſſus a ces preſens, a mys ſon ſeau & ſigne.

Et quia ego A. B. clericus civis civitatis Londini publicus, ſacra Regia authoritate Notarius atq; Tabellio admiſſus atque juratus, præmiſſis omnibus & ſingulis dum ſic ut præmittitur, una cum dictis teſtibus interfui, eaque ſic fieri, vidi, ſcivi, & audivi: Igitur hoc Inſtrumentum confeci, ſignoque & nomine meis ſignavi rogatus, in fidem præmiſſorum.

A procuration by a Merchant to a Factor, to buy certaine kindes of Merchandize.

Sect. 668. IN Dei nomine Amen. Per hoc præsens publicum Instrumentum cunctis appareat, & sit notum, Quod anno dom̃ (juxta cursum & computacioñ Eccleſiæ Anglicanæ, Milleſimo quingenteſimo nonageſimo quinto, annoque regni ſereniſſimæ in Chriſto Principis & dom̃ nr̃æ Elizab. Dei gratia Angl', Franc', & Hiber̃ regin' fidei defenſatricis &c. 37. menſis vero Martii die 27. Coram me A.B. ſacra regia authoritate Notario atq; Tabellione publico admiſſo atq; jurato, teſtibuſq; ſubſcriptis, perſonaliter conſtitutus comparuit, probus & honeſtus Mercat̃ Ioh. D. Civis & Mercer̃ Londini, qui ſponte, & ſua certa ſcientia, omnibus quibus de Iure melioribus & efficacioribus potuit, & poteſt, viis & modis, fecit, conſtituit, creavit, nominavit, ſolenniter ordinavit, ac præſentis publicis Inſtrument̃ tenore facit, conſtituit, creat, nominat, & ordinat, providum & diſcret̃ juvenem Anthonium F. de G. in dioceſi Colonienſi in Germania licet abſentem tanquam præſent̃, ejus verum, cert̃, legit̃, & indubitat̃ procurator̃, actor̃, factorem, & negotior̃ ſuor̃ infraſcriptor̃ geſtorem ac Nuncium ſpecial' & general': Ita tamen quod generalitas ſpecialitati non deroget, nec è contra, viz. ſpecialiter & expreſſ̃e ad ipſius conſtituent̃ vice & nomine, & pro eo emend̃, & titulo emptionis acquirend̃ Francofurti ad Mœnum in nundinis quæ bis in anno ibm̃ celebrantur, omnia Serica & mercimonia alia q̃dcunque prout dicto Procuratori videbitur & placebit, ab illo vel illis, & pro eo pretio vel pretiis, & ſub illis formis & modis, & cum illis cautelis, prout & ſicut dicto procurator̃ pro maximo commod̃ dicti conſtituentis videbitur & placebit, pretiumque convent̃, ſeu pretia conventa pro dictis mercibus ſolvend̃ & numerandum ſeu ad quemcunque, ſeu quoſcunque terminos promittend̃. Ac inſuper ad vendend̃, alienand̃ & cambiand̃ omnia bona & merces, tam præſentia quam futura dicti Conſtituentis in Germaniam tranſmiſſi, ſeu tranſmittend̃, cui, & quibus, & pro illo pretio & pretiis, prout & ſicut dicto Procuratori videbitur & placebit. Necnon ad petendum, exigend̃, & recipiend̃ omnia & ſingula, & quæcunq; bona, jura, & res dicto Conſtituenti, à quibuſcunq; perſonis in partibus Germaniæ degentibus debita, ſive ſpectantia, aut impoſterum ex cauſa quacunque debenda, ſolvenda, ſeu ſatiſdanda: Et generaliter ad omnia & ſingula alia faciendum & exercendum quæ ipſemet conſtituens facere poſſet ſi præſens perſonaliter intereſſet, etiam ſi talia forent quæ mandatum exigerent magis ſpeciale vel præſentiam ejus perſonalem: promittens inſuper & conveniens dictus conſtituens mihi notario infraſcripto, ut publicæ perſonæ recipienti, & ſtipulanti

ſtipulanti, pro omnibus & ſingulis quorũ intereſt, intererit, aut intereſſe poterit quomodolibet in futur, ſe ratum & grat atque firmum perpetuo habiturum, totum & quicquid præd ejus procuratorem in præmiſſis, actum, fact, geſtum, procuratumve fuerit; Relevanſque & relevare volens idem conſtituens dict ſuum procuratorem ab omni onere ſatiſdand & damni in hac parte. Promiſit inſuper mihi notario anted, & infraſc ut præfert recipienti & ſtipulanti, ſe dict conſtituent tempor & temporibus congruis & debitis fidelit cuicunq; & quibuscunq; creditor & creditoribus perſonalit, omnia debit & pecuniar ſum pro dict mercibus, pro & in nomine dict conſtituent, ement ſolvenda ſive debend, ſub hypotheca & obligatione ſui ſuorumque hær & execut, & bonor omnium & ſingulor præſentium & futuror, ac ſub omni juris & facti renunciatione ad hæc neceſſaria pariter & cautela. Actum Lond in ædibus mei dicti notarii in vico vocato L. ſitis, præſentibus tunc ibm A.B. & C.D. teſtibus, ad præmiſſa vocatis, atque rogatis, ann die & menſe ſupradictis. Et in majorem fidem præmiſſorum dictus conſtituens præſentibus ſigill ſuum, & manus ſuæ ſubſcriptionem appoſuit.

Et quia ego A.B. &c.

A covenant by a Factor to returne Merchandizes brought for the conſtitutor from parts beyond the Seas, and to make a faithfull accompt.

IN Dei nomine Amen. Per hoc præſens publicum inſtrument cunctis appareat & ſit notum, Quod cum probus & honeſtus Mercator Joh. M civis & M. Londini, per literas ſuas procuratorias, datas nono die Martii anno Dom 1594. fecerit & conſtituer Anthonium. H. de G. in dioceſi Colonienſi in Germania procurator ſuum generalem ad negotia ſua omnia facienda Francofurti ad Mœnum in nundinis ibm bis annuatim celebrandis, uti per eaſdem literas plenius appareat. Dictus modo Anthonius die menſis & ann in calce præſentis inſtrumenti conſcript, coram me A.B. notario &c. teſtibuſque infraſcriptis comparuit, ac omnibus melior viis & modis quibus potuit aut poteſt, promiſit mihi notario pub. antedict recipienti & ſtipulanti pro dicto Johanne M. ſe dictum comparentem ſingulis dehinc nundin Francofurtenſibus, quamdiu actor, factórve negotiorum dict Ioh. fuerit eidem Ioh. Londini in Anglia tranſmiſſurum, non ſolum Merces omnes quaſcunque vice & nomine dict Ioh. M. & pro eo emendas, ſed etiam verum, juſtum, et fidelem compotum et calcul omnium et ſingulor negotior per eundem comparentem pro dicto Iohanne M. attorn, et agendorum abſque omni fraude vel do-

Sect. 669.

lo malo quocunque: Et hoc ſub hypotheca & obligatione ſui ejuſdem comparentis, ſuorumq; hæredũ & bonor̃ omnium & ſingulor̃ præſentium & futurorum, ac ſub omni juris & facti renunciatione ad hæc neceſſaria pariter & cautela. In quorum fidem & teſtimonium &c.

A procuration to recover and receive all Debts owing by a certaine perſon.

Sect. 670. IN Dei nomine Amen. Per hoc præſens publicum inſtrumen̄t cunctis appareat & ſit notum, Quod anno domini 1595. annoq; regni ſereniſſimæ in Chriſto principis dom̃ noſtr̃ Eliz. dei gratia Angliæ, Franc' & Hiber̃ regin' fidei defenſatricis &c. xxxvii. menſis vero Maii die decimo quinto, coram me A. B. facr̃ regia authoritate Notario atque Tabellion' pub. admiſſo atque jurato, teſtibuſq; ſubſcriptis perſonaliter conſtituti, cõparuerunt probi & honeſti mercatores Joh. B. civis & Piſcenarius Londini, & Arthur S. civis & Groceř Lond̄, qui ſponte & ſuis certis ſcientiis, omnibus quibus de jure melioribus, & efficacioribus potuerunt, & poſſunt viis & modis, fecerunt, conſtituerunt, creaverunt, nominaverunt, & ſolemniter ordinaverunt, ac præſentis publici inſtrumen̄t tenore faciunt, cõſtituunt, creãt, nominant, & ordinant, & eorum uterque facit, conſtituit, creat, nominat, & ordinat, probum & honeſtum mercatorem Guilielmum F. in partibus Hollandiæ reſidentem, (licet abſentem tanquam præſentem) ejus & eorum verum, certum, legitimum, & indubitatum procuratorem, actorem, factorem, & negotiorum ſuorum infra ſcriptor̃ geſtorem, ac nuncium ſpecialem & generalem. Ita tamen quod generalitas ſpecialitati non deroget, nec è contra, videlicet, ſpecialiter & expreſſè ad ipſorum conſtituentium & eorum utriuſque nominibus & nomine, & pro eis, & eorum utroque petend̄, exigend̄, levand̄, recuperandum, recipiend̄, & habendum, de Thoma P. mercatore Londinenſe, vel de & in bonis & rebus ſuis cujuſcunque ſint generis, ſive qualitatis, et in quorumvis manibus inveniri poterint, quocunque nomine ſive additione nominis idem Thomas P. vocatur ſive appellatur, omnes & ſingulas pecuniar̃ ſummas & quantitates eiſdem conſtituentibus ſive eorum alteri debitas, competentes, & competituras, tam vigore quarumvis ſchedularum, obligation̄, computor̃, et ſcriptor̃ publicarum, vel privatar̃, quam etiam ſine; Et dictum Thom. P. tam & pro corporis, quam bonor̃ arreſtation̄ & ſequeſtration̄, ſciſamenta ad ſolutionem, & ſatisfactionem, faciendum, compellendum, & conſtringend̄, et cum tempus fuerit remittend̄ & relaxand̄, ac remitti et relaxari mandand̄; Et de receptis, recuperatis, et habitis quietand̄, liberandum et abſolvend̄, cum pacto ſolenni et expreſſorum ſemel habitam ulterius imperpetuum non petendum; Et ſi neceſſe fuerit pro præmiſſis omnibus et

ſingulis

ſingulis coram quibuſcunque Dominis, Judicibus, Majoribus, Burgi Magiſtris, Scabinis, Conſularibus, et aliis Juſticiariis ſive Commiſſariis, tam ordinariis quam extraordinariis, ac cæteris juſtitiæ miniſtris, tam eccleſiaſticis quam ſecularibus, quacunque authoritate fungentibus et functuris comparendum, agend', et experiend': Dictoſque conſtituentes et eorum jura in omnibus & per omnia defendend': Quaſcunque proviſiones et juris auxilia, arreſt', ſequeſtr', detentiones perſonarum & bonorum, et quævis alia impetrand' et obtinendum: libellos, poſitiones & capitula dandum, datíſque reſpondend': domicilium eligend': Litem & lites conteſtand': De calumnia vitanda & quodvis alterius generis licitum juramen̄ in animam ipſorum conſtituentium ſive eorum alterius præſtandum, & ex adverſo præſtari videndum: Sententias & acta quælibet fieri faciend' & exequend': Expenſa, damna, & intereſſe petend', et taxari faciendum, proteſtandum, ſententiand', appelland', & appellationes proſequend': Denique cum eo concordand', concludendum, & paciſcend': Et inſuper omnia alia acta Judicialia, & extra Judicialia faciendum, quæ merita cauſarum, juris ordo, & facti qualitas exigunt & requirunt: unum quoque vel plures Procuratorem vel Procuratores loco ejus cum ſimili aut limitata poteſtate ſubſtituendum: Eúmque vel eos revocandum, prout ipſo Procuratori melius videbitur & placebit: Et generaliter ad omnia & ſingula alia faciendum, quæ ipſimet conſtituentes, ſeu eorum alter facere poſſent ſeu poſſet, ſi præſentes ſive præſens perſonaliter intereſſent, ſive intereſſet, etiam ſi talia forent quæ mandatum exigerent magis ſpeciale, vel præſentiam ejus perſonalem: Promittent̄ dicti conſtituentes et eorum uterque promittens mihi dicto Notario, ut publicæ perſonæ ſtipulanti & recipienti, ſe & eor̄ utrumque ratum, gratum, validum, atque firmum perpetuo habituros et habitur̄, quicquid per dict̄ procuratorem in præmiſſis, actum, geſt', procuratumvè fuit, ſub hypotheca & obligation̄ omnium & ſingulorum bonorum ſuor̄ mobilium et immobilium, præſentium et futuror̄, ac ſub omni jur̄ et facti renunciatione ad hæc neceſſaria, pariter et cautela: Actum Londini in ædibus mei dict' Notarii in &c. ſitis, præſentibus tunc ibid' A.B. & C.D. teſtibus ad præmiſſa vocatis atque rogatis, ann̄, die, & menſe ſupradict̄. Et in major̄ fidem præmiſſor̄, dict' Conſtituentes præſentibus ſigill' ſua, & manuum ſuar̄ ſubſcriptiones appoſuerunt.

Et quia &c.

A procuration for recoverie of a debt upon an Obligation, in the parts beyond the Seas.

Sect. 671. IN Dei nomine Amen. Per hoc præſens publicũ inſtrumenť cunctis appareat et ſit notum, Qd annõ domĩ 1596, annoque regni ſereniſſimæ in Chriſto principis & domĩ noſtr̃ Eliz. Dei gratia Angl', Franc', & Hibern Regiñ fidei defenſ. &c. 39, menſis vero Feb. die 26. coram me A. B. ſacr̃ regia authoritate notario atq; tabellion' pub. admiſſo atq; jurato, teſtibuſque ſubſcriptis perſonaliť conſtitutus, comparuit probus & diſcreť vir Hugo M. civis & Aurifaber Londiñ, habens in manu quand̃ obligationẽ cõditional' in pergameno ſcripť, integr̃, ſanam, incancellať, omnique fraud̃ ſuſpitione carentem, ac ſigillatam (& manibus Arthuri S. nuper civis & Groceř Lond̃, & Joh. S, nuper civis & Textoris Lond̃ ſubſcripť, ſubſequenť Tenoris) viz.

NOverint univerſi per præſentes nos Arthuř S. Civem & Groceř Londoñ, & I. S. Civem & Weaver Londoñ, teneř & firmiť obligař Hugoni M. Civi & Aurifabro London', in 30. l. bonæ & legal' moneť Angl', ſolvend̃ eid̃ Hugoni M. aut ſuo certo atturñ, executř, vel adminiſtrať ſuis. Ad quam quid̃ ſolutioñ benè & fideliť faciend̃, obligamus nos & utrumq; noſtr per ſe pro toto & in ſolid', hæred' executř, et adminiſtrať noſtr̃ firmiť per præſenť. Sigill' noſtr̃ ſigillať, dat. 20. die Novemb. anno regni domĩ noſtr̃ Eliz. Dei gratia Angl', Franc', & Hibern' Regin' fidei defenſ. &c. Triceſimo octavo.

THe Condition of this Obligation is ſuch, that if the within bounden Arthur S. and John S. or either of them, or the executors, adminiſtrators, or aſſignes of them, or any of them, do wel and truly content and pay, or cauſe to be paid unto the within named Hugh M. his executors or aſſignes, the ſumme of one hundred and thirty pounds of lawfull money of England, in, or upon the twentieth day of November, which ſhall be in the yeare of our Lord God 1596. at the now dwelling houſe of the ſaid H. M. ſcituate and being in London: That then this Obligation to be void and of none effect: Or elſe to ſtand & remaine in full ſtrength and vertue. Subſcriptio autẽ erat. **By me A. S.** Et præter hæc ſubſcriptum fuit. Sigillavit & deliberavit in præſentia A. B. C. D. &c. Qui quidem Hugo M. ſponte & ſua certa ſcientia, omnibus quibus de jure melioribus & efficacioribus potuit & poſſit viis & modis, fecit, conſtituit, creavit, nominavit, & ſolenniter ordiñ, ac præſentis pub. inſtrumenť tenor̃ facit, conſtituit, creat, nominat, & ordinat, probum & honeſtum Mercator̃ Nicholaum de Wilť in partibus Hollandiæ reſidenť, licet abſentem tanquam

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præſent ejus verum, certum, legitimum, & indubitatum Procurat, Auctor, Fact', & negotior ſuorum infraſcriptor geſtorem ac Nuncium ſpecial', & general', Ita tamen quod general' ſpecial' non deroget, nec è contra, videlicet, ſpecialiter, & expreſſè ad ipſius conſtituentis nomin', & pro eo petend, exigend, levand, recuperand, recipiend, & habend, de præfat Arthuro S. & Joh. S. & eorum utroque, vel de bonis & rebus eorum, & eorum utriuſque cujuſcunque ſint generis ſive qualitatis, & in quorumvis manibus inveniri poterint (quibuſcunque nominibus ſive additionibus, ſeu quocunque nomine ſive additione, iidem Arthur & Ioh. vocant ſive appellant) omnes & ſingulas pecuniarum ſummas & quantitates, eidem conſtituenti debitas, competentes, & competituras, vigore Obligationis ſupradict', ſive aliter. Et dictos Arthur S. & Joh. S. ſeu eorum alter, tam per corporis ſeu corpor, quam bonor arreſtation, ſequeſtration, ſeiſiamenta, ad ſolution', & ſatisfact' faciend, compellend, & conſtringend. Et cum tempus fuerit remittend, & relaxand, ac remit & relaxari mandand: Et de receptis, recuperatis & habitis, quietand, liberand, & abſolvend, cum pacto ſolenni & expreſſorum ſemel habitam ulterius imperpetuum non petendum: Et ſi neceſſe fuerit pro præmiſſis omnibus & ſingulis coram quibuſcunque dom', Iudicibus, Majoribus, Burgi Magiſtris, Scabinis, Conſularibus, & aliis Iuſticiariis ſive Commiſſariis, tam ordinariis, quam extraordinariis, ac cæteris Iuſtitiæ miniſtris, tam Eccleſiaſticis quam ſecularibus, quacunque authoritate fungentibus & functuris comparendum, agendum, & experiend: Dictumque conſtituentem, & illius jura in omnibus & per omnia defendendum. Quaſcunque proviſiones & juris auxilia, arreſti, ſequeſtri, detentiones perſonarum & bonorum, & quævis alia, impetrand & obtinendum: libellos, poſitiones, & capitula dandum, datiſque reſpondendum: Litem & lites conteſtandum: De calumnia vitanda, & quodvis alterius generis licitum juramentum in animam ipſius Conſtituentis præſtandum, & ex adverſo præſtari videndum. Sententias & acta quælibet fieri faciendum & exequendum: Expenſa, damna, & intereſſe petendum, & taxari faciendum, proteſtandum, ſententiandum, appellandum, & appellationes proſequend: Denique cum eis ſeu eorum altero concordand, concludend, & pacificandum: Et inſuper omnia alia acta Iudicialia, & extra Iudicialia faciendum, quæ merita cauſarum, juris ordo, & facti qualitas exigunt & requirunt: unum quoque vel plures Procuratorem vel Procuratores loco ejus cum ſimili aut limitata poteſtate ſubſtituend: Eumque vel eos revocandum, prout ipſi procuratori melius videbitur & placebit. Et generaliter ad omnia & ſingula alia faciendum, quæ ipſemet conſtituens facere poſſet ſi præſens perſonaliter intereſſet, etiam ſi talia forent quæ mandatum exigerent magis ſpeciale, vel præſentiam ejus perſonalem:

ſonalem: Promittens dictus conſtituens mihi dicto Notario ut publicæ perſonæ ſtipulanti & recipienti, ſe ratum, gratum, validum ac firmum perpetuo habiturum, quicquid per dictum Procuratorem in præmiſſis actum, geſtum, procuratumve fuerit, ſub hypotheca & Obligatiõ omnium, & ſingulorum bonorum ſuorum mobilium & immobilium, præſentium & futurorum, ac ſub omni juris & facti renunciatione ad hæc neceſſaria pariter & cautela; Rogans per me Notarium antedict' ſibi inde confieri Inſtrumentum unum vel plura. Actum Londini in ædibus mei dicti Notarii in &c. ſitis, præſentibus tunc ibidem A. B. & C. D. Teſtibus ad præmiſſa vocatis atque rogatis, annõ, die, & menſe ſupradictis: Et in majorem fidem præmiſſorum dictus conſtituens præſentibus ſigillum ſuum & manus ſuæ ſubſcriptionem appoſuit.

A certificat of depoſition of witneſſes under ſeale of a City, alſo a Procuration annexed.

Sect. 672. VNiverſis & ſingul' Chriſti fidelibus, præſentes literas viſuris, lecturis, vel audituris, Johannes B. Eques auratus, Major ſive Præfectus celeberrimæ civitatis Londini in Anglia, ejuſdemq; Civitatis Aldermanni ſive Senatores, ſalutem in domino ſempiternam. Noverit Vniverſitas veſtra, qd die in calce præſentium retroſcripta, coram nobis perſonaliter comparuerunt & præſentes fuerunt, probi & honeſti viri, Johannes S. Burgenſis prædict' Civitatis Londini, annum xxix. agens vel circiter, nuper Miniſter & Actor negotiorum I.E. Mercatoris Londinenſis, & G.S. xxviij. annum agens vel circiter, Miniſter & Actor negotiorum Guilielmi E. probi & honeſti viri, et inſignis Mercatoris prædict' Civitatis Londiñ; Qui neque metu, dolo, favore, præcibus, ira, invidia, odio, malitia, nec aliqua alia ſiniſtra machinatione circumventi nec ſeducti (ut coram nobis confeſſi ſunt et recognoverunt) ſed ex eorum propriis & ſpontaneis voluntatibus, & ut veritas in hac parte omnibus evident' pateat, ac requiſiti exiſtentes per præd' G.E. ad veritatem in ea parte dicend' & proferend', per & ſuper eorum juramenta modo conſueto præſtita, ad ſancta Dei Evangelia eorum manibus dextris primitus tacta, dixerunt, depoſuerunt, declaraverunt, & certificaverunt, ut ſequitur, videlicet: Præfatus I. S. in virtute Inſtrumenti ejus prædicti dixit, depoſuit, declaravit, & certificavit; Quod ipſe in Civitate Hamburgi in partibus tranſmarinis reſidens in anno domini 1576. menſe Maii, tunc & ibidem poſſidens omnia & ſingula illa bona & merces quæ inſcribuntur & exprimuntur in quadam ſchedula præſentibus literis annexa, pro ſe & in nomine ſuo ſtipulans, ut de bonis ſuis propriis, pro ſummâ 420. libr̃ monetæ Flandriæ ſibi per præfatum G.S. in nomine prædict' G.E. adtunc ſolu',

luſt, vendidit, tradidit, & liberavit abſolutè & bonâ fide prædict G. S. in eadem civitate Hamburgi prædict menſe Maii, anno ſupradicto, pro vice & in nomine prædicti G. E. recipientis & ſtipulantis omnia prædicta bona & merces, ad uſum ejuſdem G. E. Et prædictus G. S. ſimiliter in virtute juramenti ejus prædicti dixit &c. quod ipſe in prædicta Civitate Hamburgi præd menſe Maii prædicto anno 1576. pro vice & nomine prædicti G. E. ſtipulans & recipiens, emit & recepit ad uſum ipſius G. E. de prænominato I. S. præd bona & merces pro prædicta ſum. 420. libr, quam tunc & ibidem de bonis ejuſdem G. E. eidem I. S. tradidit & perſolvit. Et quod viceſimo ſexto die ſupradicti menſis Maii, anno præd vel circiter, eadem bona & merces (duobus ſacculis calculorum exceptis) onerata fuere in portu, ſive juxta portum Hamburgi prædict, in quibuſdam navibus Anglicis per præfatum G. S. pro & in nomine, & ad uſum dicti G. E. ſignata cum ſigno ejus uſuali hic in margine conſcripto, & de eiſdem Navibus poſtea ablata fuere per quoſdam adtunc homines dicto G. S. ignotos, antequam Naves illæ de portu & juriſdictione Hamburgi prædict ſolut & libet fuerunt. Et inſuper noverit univerſitas veſtra, quod dicto die in calce præſentium retroſcripto, coram nobis perſonaliter comparuit & præſens fuit prænominatus G. E. qui ſponte & deliberatè, ac certa ſcientia ſua, omnibus melioribus via, modo, jure, & forma, quibus magis, melius & validius potuit, & poteſt, fecit, conſtituit, creavit, nominavit, deputavit, & ſolenniter ordinavit, dilectos ſibi in Chriſto providos & diſcretos viros, I. S. Mercatorem Angliæ H. commorantem, & G. T. de prædicta Civitate Londini Mercatorem, licet abſent tanquam præſentes, ſuos, veros, certos, legitimos, & indubitatos procuratores, authores, actores, & negotiorum ſuorum infraſcriptorum geſtores ac nuncios generales & ſpeciales, conjunctim & diviſim, & eorumque eor, per ſe & in ſolido: Ita tamen quod generalitas ſpecialitati non deroget, nec è contra; & ita quod non ſit melior conditio occupantis, nec deterior ſubſequent, ſed quod unus eor inceperit, id quilibet eor liberè proſequi valeat, mediare, finire, & determ, ac ad effect producere, viz. ſpecialit & expreſſe in nomine & vice ipſius Conſtituen, ad petend, exigendum, levand, recipiendum, recuperandum, & habendum, ac habuiſſe & recepiſſe confitendum: in judicio & extra, tam in prædicta civitate H. quam in quacunque alia civitate, & in quibuſcunque aliis locis & partibus tranſmarinis, à quocunque & quibuſcunque homine & hominibus, loco, corpore communi, collegio, ſocietate, populo, & univerſitate eccleſiaſticis & ſecularibus, ac de, & in bonis quorumcunque, & in quacunque re, omnia & ſingula prædicta bona & merces memorata in præd ſcedula præſentibus annexa, Ac omnes, ſingulas, & quaſcunque ſummas, & quantitates denariorum, pecuniarum, ſummarum, debitorum, rerum,

mercium,

mercium, & bonorum quorumcunque ſibi dicto Conſtituenti inpartibus tranſmarinis qualitercunque debita ac ſpectan̄, ac ipſius Conſtituentis vice & nomine, & pro eo, omnia & omnimoda cauſam, actionem, querelas, petitiones, proceſſus, & demanda quæcunque pro præmiſſis, & eorum quolibet, coram quibuſcunque Judicibus vel Juſticiar̄ quacunq; authoritate fungentibus, ad proſequendum, implacitandum, agendum, producendum, exequendum, defendendum, excipiendum, & recipiendum: Libellum ſeu libellos, & quaſcunque alias detitiones dandum & afferendum: Juramentum de calumnia & de veritate dicenda, ac quodlibet aliud genus liciti ſacramenti in animam ipſius Conſtituentis, præſtandum, ponendum, & articulandum: poſitionibus adverſæ partis reſpond̄: Teſtes, literas, inſtrumenta, & alia quæcunque probation̄ genera producend̄ & exhibend̄, ac producta & exhibita ex adverſa parte reprobanḋ, & impugnanḋ, in cauſa ſeu cauſis concludend̄: ſententias tam definitivas quam interlocutor̄ audiend̄, & fieri petend̄, ac defectivas opponend̄ & objicend̄, objectiſque reſpond̄: damna, expenſa, & intereſſe quolibet petend̄ & recipiend̄, Judicis officium implorand̄, & à ſententiis præd̄ & ear̄ qualibet gravamine quocunq; ꝓvocandum & appellanḋ: ꝓvocationes & appellationes ipſas proſequendum & inſinuandum, & ipſas ſi libuerit renunciandum. Et de receptis & recuperatis, & ſuper fine & concordia, acquietancias licitas & opportunas dandum, concedend̄, & liberandum: & generaliṫ in præmiſſ. & eorum quolibet, omnia & ſingula agend̄ & ꝓcuranḋ, exercend̄, dicend̄, gerend̄, continuanḋ, finiend̄, & exequend̄, quæ circa præmiſſa, & quodlibet præmiſſor̄ neceſſaria fuerint, & quomodolibet opportuna, ſive de eiſdem dependentia, annexa aut utilia: Licet talia forent q̄ mandaṫ exigerent̄ magis ſpeciale, quam præſentibus expreſſum. Unum etiam ſive plures ꝓcurator̄ ſive procuratores ſimilem ſive limitatam poteſtatem habentes eor̄ locis ſubſtituend̄, & eoſdem revocand̄. Promittens dictus Conſtituens, ſe ratum & gratum, firmum & ſtabile habiturum, totum & quicquid per Atturnatos & ꝓcuratores ſuos præd̄, vel eorum aliquem, aut per eor̄, vel alicujus eorum ſubſtitutos, actum, factum, geſtum, petitum, procurat̄, aut quomodolibet adminiſtrat̄ fuerit in præmiſſis, aut aliquo præmiſſorum, ita effectualiter ſicut ipſemet Conſtituens præſens & perſonaliter intereſſet. In quorum omnium & ſingulorum fidem & teſtimonium, nos præfat̄ Maior & Aldermanni, Sigillum officii noſtri Majoratus præſentibus apponi fecimus. Prædictuſque Conſtituens in majorem evidentiam approbationis & conſenſus ſui poteſtati præd̄ ſic ut prætertur factæ, ſigillum ſuum præſentibus appoſuit, Datum Lond̄ nono die Septembris, anno Domini &c. annoque regni Reginæ Elizabethæ &c.

A Conſtitution by Merchants, of a Factor to deale generally for them.

IN Dei nomine Amen. Univerſis Judicibus, Gubernatoribus, ac juſticiæ diſpenſatoribus, tam per mare quam per terras in omnibus regnis, ditionibus, & juriſdictionibus quibuſcunque, T. S. & R. S. inclitæ Civitatis Londiñ regni Angl' Mercatores, Salut: Noverit univerſitas veſtra, nos pd' C. & S. pro nobis, nominibus, & vicibus noſtris, conſtituiſſe, deputaſſe, ordinaſſe, & harum literarum ſerie declaraſſe, E. L. noſtrum verum, certum, legitimum, general' ac ſpecial' Nuncium, factorem, procuratorem, & noſtror negotiorum omnium & ſingulorum quorumcunque actorem, prout dicto E. & Subſtitutis ſuis quibuſcunque de tempore in temp opportunum videbitur, ſic tamen in omnibus ut generalitas ſpecialit, & ſpecialitas general' nihil deroget: Dantes & per præſentes concedentes dicto Procurat noſtro, ac Subſtitutis ſuis quibuſcunque totum & integram poteſtatem & authoritatem noſtras in præmiſſis, ac omnibus & ſingulis rebus, negotia noſtra tangentibus agendi, dicendi, procurandi, allegandi, negandi, confitendi, allocandi, & recuſandi, quicquid ſibi in eiſd' vel in eorum aliquo videbitur neceſſarium & utile, in omnibus locis judicii & juſtitiæ, & coram Judicibus quibuſcunque: Necnon Advocator, Procuratores, Legiſque peritos, ad præd' negotia noſtra conducendi, & pro nobis & nominibus noſtris producendi teſtes & teſtimonia quæcunque ac cauſas noſtras ritè & legitimè provocandas & tuendas, & alia omnia & ſingula quæ in præmiſſis, vel eorum aliquo poſſint cadere opportuna, pro nobis & nominibus noſtris exigend', perficiendi, & totalit finiendi, prout noſmetipſi potuerimus, ſi ibidem præſentes perſonaliter eſſemus. Rata & grata, firmaque & ſtabilia habentes & habituri totum & quicquid dictus procurator noſter fecerit, ſeu fieri procuraverit in præd' negotiis nr, vel eorum aliquo, ſeu in aliquibus circumſtantiis aut ceremoniis, eadem vel eorum aliqua tangentibus. In cujus rei &c. Sect. 673.

A Subſtitution by him to whom a Procuration is made.

ANno à Nativitate Domini noſtri Jeſu Chriſti, Milleſimo quingenteſimo &c. viceſimo die menſis Decemb. Coram me A. B. Notar &c. ac teſtibus &c. præſens & perſonaliter Conſtitutus comparuit T. W. Londinenſis procurator procuratorio nomine conſtitutus per egregium virum A. B. de &c. ad ſubſtituend', & quam plurima alia facien', procurandumque, prout & ſicut in quodam mandato mihi Notario per præfat T. W. oſtenſ, continet, ſubſequent tenor. In Dei nomine Amen &c. (*reciting* Sect. 674.

(reciting the Procuration verbatim) qui quidem T. W. vigore dicti ſui mandati, & omni meliori modo, via, jure, & forma, quo, & quibus magis & melius poterit, & ei licuit, ſubſtitũ, & loco ſui ipſius poſuit probos, necnon diſertos viros A. B. & C. D. mercatores Middleburgenſes, licet abſentes tanquam præſentes, ad ea omnia & ſingula faciend', procurandumque quæ ipſemet Conſtituens vigore dicti ſui mandati facere poteſt, in ſeipſo nihilominus reſervando & retinendo principali mandat' antedict'. Rogans per me Notarium &c. actum &c.

A Revocation of a former Procuration.

Sect. 675. VNiverſis & ſingulis &c. Tho. R. ſalut', Noverit univerſitas veſtra, quod die in calce præſentium retroſcripto, omnibus melioribus viis, modo & forma, quibus potuit & poteſt, revocavit & revocat, & omnimodam poteſtatem & authoritatem per ipſum Th. R. præantea conceſſa ſive data cuidam I. G. mercatori, ad proſequend', agend', ſeu exequend' aliqua negotia dicti Th. R. Ita quod dictus I. G. poſthac nullam pecuniarum ſummam, bona, ſeu aliqua alia recuperata, recuperanda, ſeu recipiend', & ad dict' Th. R. ſeu ejus jura qualitercunq; debentia ſive ſpectantia, recipiat ſeu habeat, nec aliquam concordiam aut acquietantiam, præmiſſa ſeu eorum aliquid concernentem faciat, deliberet, vel concedat, ſeu aliquid aliud vigore prædict' poteſtatis, ſive authoritatis, faciat, agat, perficiat, ſeu exequi poſſet quomodolibet. In quorum omnium & ſingulorum fidem, & teſtimonium &c.

An Indenture quadrupartite to levy a fine or ſuffer a recovery, with limitation of uſes, ſome part of the premiſſes to the uſe of the husband and his heires, (by whom ſome part of the conſideration is paid) the other part of the premiſſes to the uſe of the feoffees and their heires, in truſt for the uſe of the wife, and diſpoſable at her pleaſure; by whom the greateſt part of the conſideration is paid: with ſeverall covenants; that as well the husband as the feoffees ſhall quietly enjoy &c. The wife, having before mariage conditioned with her husband, to have the free diſpoſall of certaine ſummes of money, which ſhe is now content to beſtow upon a purchaſe, ſo as ſhe might in like manner freely diſpoſe thereof, with which her husband is contented.

A declaration by the wife for the diſpoſall thereof.

THis Indenture quadrupartite made &c. Between B. D. Sect. 676. of &c. T. B. of &c. and A. his wife on the ſecond part: A. L. &c. and J. W. of &c. on the third part: and G. M. of &c. R. R. of &c. and R. H. of &c. on the fourth part, Witneſſeth, that the ſaid B. D. for, and in conſideration of the ſumme of two ſhillings of lawfull money of England, to him in hand paid therefore by the ſaid T. B. and the other part reſidue thereof by ſome truſted, by the ſaid A. at and before the enſealing and delivery of theſe preſents, of which ſaid ſeverall ſummes, he the ſaid B. D. acknowledgeth the receit by the hands of the ſaid T. B. and A. and himſelfe thereof fully ſatisfied, and thereof, and of every part and parcell thereof, doth acquite and diſcharge them the ſaid T. B. and A. his wife, their executors and adminiſtrators, doth covenant, grant and agree to and with the ſaid G. M. R. R. and R. H. and every of them their and every of their heirs and aſſignes by theſe preſents, that he the ſaid B. D. ſhall and will at the coſt and charges in the Law, of them the ſaid T. B. G. M. R. R. and R. H. before the end of Hilary terme next enſuing the date of theſe preſents, before the Juſtices of his Majeſties Court of Common Pleas at Weſtminſter, knowledge or levy one or more fine or fines ſur conuſanze de Droit condition ceo, and with proclamations in due form of Law, to be had and made thereupon, ac-

cording to the common course of fines with proclamations, in such cases used unto the said T.B. and his heirs of, and in all that close &c. more or lesse, and all woods, underwoods, and trees growing, in and upon the premisses or any part thereof, and all ways, waths, commons, profits, commodities, emoluments, and hereditaments whatsoever, to the aforesaid premisses, or any part thereof, belonging or in any wise appertaining, or to or with the same usually occupied or enjoyed, or accepted, reputed or taken as part or parcell thereof, or belonging thereunto, and all other the messuages, lands, tenements, and hereditaments, of him the said R. D. in S. &c. by the name and names of &c. with the appurtenances in S. &c. or by any other name or names as by the counsell of the said T. B. shall be reasonably advised, which fine and fines so or in any other manner to be had and levied; and all other fines heretofore levied or hereafter to be levied between the said parties, or any of them, within the time aforesaid, of the premisses or any part thereof, shall be and inure, and shall be adjudged, construed and taken to be and inure to the use and behoof of him the said T.B. and his heirs to the end and purpose and untill the severall recoveries shal be had against him, of the several and respective premisses lying in the said severall counties of R. and L. and to the intent, that the said T.B. may be perfect tenant of the freehold of the premisses: so as perfect recoveries may be had and suffered against him, to the uses and intents, and upon the trusts and confidences hereafter expressed. And it is further covenanted, concluded and agreed, by and between all the said parties to these presents, that immediately from and after the said fine or fines so had and levied, it shall and may be lawfull to and for the said A.L. and J.W. &c. And they the said A.L. and J.W. and either of them for so much as concerneth himself, and by him to be performed, doth hereby covenant and grant to and with the said T.B. G.M. R.R. and R.H. or every of them, and their heirs, that the said A.L. and J.W. or the survivor of them shall and will at the like costs and charges of the said T.B. G.M. R.R. and R.H. or any of them, sue out and prosecute, or suffer to be sued out and prosecuted in their names or in the name of the survivor of them out of the high Court of Chancery several writs of Entry sur disseisin in le post, returnable before the Justices of the Court of Common pleas at Westminster (as in such cases is used for the suffering of common recoveries) against the said T. B. by one of which, they the said A.L. and J. W. or the survivor of them shall and may demand against him the said T.B. the foresaid premisses, in the said county of R. by the names of &c. with the appurtenances in W. &c. or by such other name or names as shall be requisite, and by the other of them shall and may demand against the said T.B. the aforesaid premisses, in the said County of L. by the names of &c. and common of pasture for

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all manner of cattell with the appurtenances in S. or by ſuch other names as ſhall be requiſite, and after the appearance of the ſaid T. B. they the ſaid R. L. and J. W. or the ſurvivor of them ſhall declare againſt him in the ſame Court, and the ſaid T. B. after ſuch writs brought againſt him, ſhall in perſon or by his Atturney, ſufficiently authorized ſeverally appear thereunto, and make defence, and thereupon preſently vouch and call to warranty the ſaid R. D. And it is hereby alſo further agreed by and between the ſaid parties to theſe preſents: That upon ſuch ſeverall vouchers made, he the ſaid R. D. ſhall and will appear in proper perſon, or by his Atturney or Atturnies lawfully and ſufficiently in that behalf authorized, and gratis enter ſeverally into the warranty, And therupon forthwith ſeverally and reſpectively vouch to warranty the common vouch, to the intent that the common vouchee ſhall appear, plead and imparle, and after imparlance make default, to the end perfect recoveries may be had, and ſeverall and reſpective Judgements given for the demandant or demandants in the ſame writs of Entry ſur diſſeiſin, againſt the ſaid T. B. for recovery of the premiſſes: And likewiſe for the ſaid T. B. to recover in value againſt the ſaid R. D. and for him the ſaid R. D. to recover in value againſt the common vouchee, according to the manner and courſe of common recoveries for aſſurances of lands, in ſuch caſes uſed, and that execution may be thereupon had and executed accordingly: And it is further concluded, declared and agreed by and between the ſaid parties to theſe preſents, that immediately from and after ſuch ſeverall recoveries, or any other ſeverall recoveries, ſo or in any other manner had and executed, of the premiſſes; by and between the ſaid parties, or any of them, as well the ſaid fine and fines as the ſaid recoveries, and all other fines and recoveries, to be had and ſuffered between the ſaid parties, or any of them of the premiſſes, or any part thereof, and the full force, effect and execution of them and every of them ſhall be and inure, and ſhall be deemed, adjudged, conſtrued and taken to be and inure to the uſes, intents, and purpoſes following: And upon the ſpeciall truſt and confidences hereafter, in, and by theſe preſents limited and expreſſed, and to no other uſe, intent, or purpoſe whatſoever (that is to ſay) of and concerning the ſaid cloſe &c. with their and every of their appurtenances in S. aforeſaid in the ſaid County of L. now or late in the ſeverall tenures or occupations of &c. with all lands, &c. and hereditaments, to them and every of them belonging or uſually occupied or injoyed, as part or parcell of or belonging to them or any of them. And the ſaid cloſe &c. with the appurtenances called T. with all wayes, waters, commons, profits, commodities and hereditaments whatſoever to the ſaid laſt mentioned cloſes, meſſuages, tenements and cottages, or any of them, or any part or parcell thereof, belonging or in any wiſe appertaining,

pertaining, or usually occupied or enjoyed, or accepted, reputed, or taken as part or parcell thereof, or belonging thereunto, and all woods, underwoods, and trees growing upon the said last mentioned premisses, to the use and behoof of the said G. M. R. R. and R. H. their heires and assignes for ever. Nevertheless upon speciall trust and confidence that the same shall be to and for the benefit of her the said A. and of such other person or persons, and for such estate and estates, and upon and under such provisoes, powers of revocation, conditions and limitations, and in such sort, manner, and form as she the said A. by any writing or writings, sealed and signed with her own hand, in the presence of three credible witnesses at the least, shall from time to time grant and appoint, and for lack of such limitation and appointment, then after the decease of the said A. for the benefit of J. B. son and heir apparent of the said T. B. and of the heirs and assignes of the said J. B. for ever, and in no wise for the benefit of the said T. B. unlesse it shall be so, by her the said A. limited and appointed as aforesaid. And upon this further trust and confidence, that they the said G. M. R. R. and R. H. and their heirs shall not onely permit and suffer her the said A. and such as she shall limit the same unto as aforesaid, to receive, perceive, and take, the rents, issues, and profits thereof, but shall also upon reasonable request convey and assure the premisses accordingly, and of, and concerning the closes called &c. with their and every of their appurtenances, and all woods, &c. or any part thereof, and all ways, walks, commons, profits, commodities, emoluments and hereditaments whatsoever, to the said last mentioned premisses, or any part thereof, belonging or in any wise appertaining, or to, or with the same usually occupied or enjoyed, or accepted, reputed, or taken as part, parcell or member thereof, or belonging thereunto, and all other the messuages, lands, tenements, and hereditaments aforesaid, whereof no use is to the said G. M. &c. before herein limited and appointed, to the use and behoofe of him the said T. B. his heirs and assigns for ever, absolutely and to no other use, intent or purpose whatsoever. And the said R. D. for him, his heirs, executors, and administrators, doth covenant and grant, to, and with the said T. B. his heirs and assignes, for and concerning so much, and such part of the premisses aforesaid, as are limited hereby to the use of him the said T. B. and his heirs, and also to and with the said G. M. &c. and their heirs, for and concerning so much, and such part of the foresaid premisses as are hereby limited to the use of them and their heirs, in manner and form following, viz. that he the said R. D. is, and untill the estates shall be lawfully executed and setled according to the true intent of these premisses, shall be, remain and continue lawfully and rightfully seised, of and in the aforesaid premisses, and every part and parcell thereof, of a good, sure and indefeseable estate in

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fee simple or fee taile, without any condition, power of revocation, proviso, limitation of use or uses or other matter or thing whatsoever to determine, alter, or make void the same estate, and without any reversion or remainder in the Kings Majesty, and that he hath good right and lawfull power to convey the said premisses, in such manner and forme, as in and by these presents are limited and mentioned to be done, and that all and singular the aforesaid premisses, and every part thereof are, and so for ever hereafter shall be, remaine, & continue, free & cleere, or upon reasonable request shall from time to time well and sufficiently be saved and kept harmeless by the said R. D. his heires, executors, or administrators, of and from all former and other bargaines, sales, gifts, grants, joyntures, dowers, judgements, statutes, recognisances, intrusions, debts to the Kings Ma. his heirs or successors, leases, estates, charges, & incumbrances whatsoever, had, made, committed or done, or to be had, &c. by him the said R. D. or J. D. his brother, or by his late Father E. D. deceased, or by his late Grandfather E. D. deceased, or any, or either of them, or by any, or either of their heires, or by any other person or persons lawfully claiming, or to claime, from, by, or under them, any or either of them, or by or under their, any or either of their right, title, meanes, procurement, or consent: And further, that it shall and may be lawfull, to, & for the said T. B. G. M. &c. their heires, and assignes respectively, according to their severall estates, herein before limited unto them, by the true intent of these presents, quietly & peaceably to have, hold, & injoy the aforesaid premisses, & every part and parcel thereof, according to the intent and true meaning of these presents, without any let, trouble, deniall, or interruption, for, or by him the said R. D. or of his heires or assignes, or the said J. D. his brother, his heires or assignes, or of, or by any other person or persons lawfully claiming or to claime from or under him the said R. D. or from or under him the said J. D. his brother, or by the said E. D. his late father, or E. D. his late grandfather, or by their or any of their meanes or procurement: And further, that he the said R. D. his heires and assignes, and his foresaid brother J. D. his heires, and assignes, and all other person and persons which may have or hereafter shall or may have, or lawfully claime any lawfull estate, right, title, interest or demand of, in, out of, or to the premisses or any part thereof, by, from, or under him the said R. D. or his aforesaid brother, father, or &c. shal & will at all times during the space of seaven yeares next ensuing the date thereof, upon reasonable request and at the costs and charges in the law, of the said T. B. his heirs or assignes for and concerning so much and such part of the aforesaid premisses, as are before herein mentioned and expressed, to be to the use of him the said T. B. and his heires; and upon the like reasonable request, costs &c. of the said G. M. &c. or any of them,

their or either of their heires or assignes, for and concerning such other part of the foresaid premisses as are before herein limited, to the use of them and their heires, do make, knowledge, and execute, and cause to be done, &c. all such further acts, devises and assurances in the law whatsoever, for the better and surer conveying and assuring of the premisses, and every or any part thereof, according to the intent and true meaning of these presents, as by them the said T.B. G.M. &c. respectively, their or any of their heires or assignes, or by their or any of their counsell learned in the law, shall be reasonably advised and required, so as no such further assurance containe further Warrantie, than according to the true intent and meaning of these presents: and so as the said R. D. or his heires, or the said J.D. or his heires be not compelled for making, or perfecting of any such further assurance to travell from the place of his or their dwelling or usuall abode, unlesse it be to the Cities of L. and W. And the said R.D. for him, his heires, executors, and administrators, doth further covenant, promise, and grant to and with the said T.B his heires and assignes, for and concerning so much and such part of the foresaid premisses, as are limited to the use of him and his heires absolutely: And to and with the said G.M. &c. and their heires, for and concerning so much and such part of the foresaid premisses, as are limited to the use of them and their heirs: That he the said R.D. his heiree, executors and administrators, shall and will from time to time upon reasonable request in that behalfe to be made, deliver, or cause to be delivered to him the said T.B. and to them the said G.M. &c. respectively, true and perfect copies of all such deeds, evidences, escripts, muniments, and writings concerning the premisses or any part thereof, as he the said R.D. his heires, executors, or administrators, or any other to his or their use or by his or their delivery, hath, or have, or hereafter shall have the same to be copied out, at the costs and charges of them the said T.B. G.M. &c. their heires or assignes: or some or one of them respectively. In witnesse whereof &c.

A declaration by the wife for the disposall thereof.

Sect. 677. TO all Christian people, to whom these presents shall come, I A. wife of T.B. of S. &c. send greeting in our Lord God everlasting. Whereas R.D. of G. &c. by good and sufficient conveiãce in the law, hath lawfully conveyed and assured to the use of G.M. &c. of &c. their heires and assignes, all that &c. as in and by an Indenture quadripartite bearing date the &c. made betweene him the said R.D. on the first part, the said T.B. and me the said A. on the second part, A.L. of &c. and J.W. of &c. on the third part, and them the said G.M. &c. on the fourth part, amongst other things at large appeareth: in which Indenture immediately after the limita-

limitation of the before mentioned premisses, to the use of them the said G. M. &c. and their heires, there is added a clause in these words, or to this effect: Nevertheless upon special trust and confidence &c. as by the said Indenture more plainly also may appeare: Now know ye that I the said A. by this my present writing, sealed and signed with mine own hand in the presence of three credible witnesses, whose names are hereupon indorsed, doe limit & appoint the forementioned premisses, and every part and parcell thereof, to be immediately after my decease, to and for the benefit of I. B. and his heires for ever, unlesse I shall hereafter by any other writing, sealed and signed with mine own hand, in the presence of three credible witnesses at the least, otherwise limit or appoint the same or any part thereof. Provided alwayes, that in case I shall at any time or times, by any writing or writings, sealed and signed with my owne hand, in the presence of three credible witnesses at the least, declare my mind to be to revoke, frustrate, or make void the foresaid limitation and appointment so made, to, and for the benefit of him the said I. B. and his heires as aforesaid, of, for, or concerning the foresaid premisses, or any part thereof, That then and immediately after such declaration of my mind so made, this present limitation for and touching the premisses, or such part thereof as I shall so declare my mind to revoke or make void, shall be revoked, frustrate and void, as though these presents had not beene, and then, and in such case it shall be lawfull for me either by the same writing of revocation, or at any time or times hereafter, by any other writing or writings, sealed and signed with my owne hand in the presence of three credible witnesses at the least, to limit and appoint the aforesaid premisses, or such part or parts thereof, concerning which I shall make my revocation or any part thereof, to such person or persons, and for such estate and estates, and under such provisoes, conditions, powers of revocation, and in such sort, manner and forme as by me shall be thought fit. In witnesse whereof I have signed and sealed this my present writing with my owne hand, in the presence of three credible witnesses, whose names are indorsed on the backe of these presents this day of &c. in the yeare &c.

A Commission to appoint a Surveyor, to survey Lands in severall Countries, with covenants and conditions, and Letters of Attorney, as hereafter ensueth.

TO all Christian people, to whom this present writing shall come, to be seene, read, or heard, I. H. of H. in the County &c. knight sendeth greeting in our Lord God everlasting. Know ye that I the said Sir I. H. Sect. 678.

for divers and sundry good causes and considerations, me hereunto especially moving, have deputed, authorized and appointed, and by these presents doe depute, authorize and appoint G. A. Esquire my true and lawfull Surveyor of all and singular my Lordships, Manors, Messuages, Lands, Tenements, and Hereditaments, with all and singular their appurtenances whatsoever they be, set and being in the Counties of D. and W. whereof at this present I stand seised of an estate of fee simple, fee taile, or for terme of my owne life, or for the terme of the life of another, in possession or reversion. And further by these presents, doe give unto my said Surveyor full power and lawfull authority, for me and in my name, to give, grant, demise, set and let, all and singular the premisses, or such part or parcell thereof, as to my said Surveyor shall seeme meet and convenient, to any person or persons for their life, or for three lives at the furthest, or for the terme of twenty yeares, by copy of Court Rolls, or by Indenture according as they have been usually let or set, with such covenants, clauses, conditions, and agreements in possession, or reversion, as to my said Surveyor shall seeme convenient as aforesaid, whereupon the old and accustomed rents shall be reserved to me the said Sir I. H. my heirs, and assigns for ever. And doe further authorize my said Surveyor by these presents, for me and in my stead, and in my name to seale all leases for life, lives, or years to be made as aforesaid, by Indenture, Copy of Court Rol or otherwise, to any person or persons so taking the same, or any part or parcell thereof, ratifying, confirming, and allowing, all & whatsoever my said Deputy or Surveyor shall do in the premisses. In witnesse whereof &c.

An Indenture tripartite betweene Executors, for the faithfull execution of a Will, with divers covenants.

Sect. 679. THis Indenture tripartite, made the &c. Betweene Sir P. Fisher of &c. of the first part, Ralph Forrest of N. in &c. Esquire of the second part, and R. B. of &c. Esquire on the third part. Whereas Katherine Melvin late of E. in the County of Kent Widow, late wife of one F. M. Esquire deceased, did by her last Will and Testament, bearing date the two and twentieth day of December in the yeare of our Lord God 1598. make and ordaine the said Sir P. Fisher, R. F. and R. B. her executors, of her said last Will and Testament, and did thereby commit unto them great confidence and trust, for the disposing of her goods and chattels, and of some profits of lands, and for the full, due, and faithfull execution of the said last Will and Testament of the said K. M. as by the said Will and last Testament more at large appeareth. Now this present Indenture witnesseth, that for the better and more surer performance of the trust and confidence in the said parties to these presents reposed, and for full and perfect

perfect manifestation of their carefull intentions and great respect they have of the just and true execution thereof, that it is covenanted, granted, concluded, condescended, and fully agreed, by and betweene the said parties to these presents, and every of them doth covenant, conclude and agree, to and with the other, in manner and forme following, That whereas the said Sir P. Fisher hath and possesseth an equall and just third part of all the Goods, Chattells, Plate, Jewells, and summes of Money, which have in any wise as yet come to the hands or possession of the said Sir P. Fisher, R. F. and R. B. and every or any of them, as executors of the last Will and Testament of the said R. P. or a full third part of the true and just value of them, being accompted and divided into three severalll parts, And the said R. F. one other equall and just third part of the said Goods, Chattels, Plate, Jewels, and summes of Money, or a full third part of the true and full value thereof, And the said R. B. one other equall and just third part of the said Goods, Chattells, Plate, Jewels, and summes of Money, or a full third part of a true and just value thereof, as by three severall bookes of particulars, one of which remaineth in the possession of the said Sir P. Fisher, one other in the possession of the said R. F. and one other in the possession of the said R. B. and being subscribed with every one of their said names doth and may appeare: Now the said Sir P. Fisher, for himselfe, his heires, executors, and administrators, doth covenant and grant, to and with the said Ralph F. and R. B. and either of them, their and either of their executors and administrators, and every of them by these presents, that the said R. F. and R. B. their and either of their executors and assignes, shall and may have, retaine keepe, or dispose their said severall third parts of the said Goods, Chattells, and summes of Money towards the performance of the said last Will & Testament, & the covenāts in these presents contained, if in case the said Sir P. Fisher shall survive the said Ralph F. and R. B. or either of them: And further also, that if at any time or times hereafter, any more Goods, Chattels, Jewels, Plate, summe or summes of Money, shall come unto the hands or possession of the said Sir P. Fisher, his executors, administrators, or assignes, for or by reason of the executorship of the last Will and Testament of the said Katherine Melvin: That then he the said Sir P. Fisher, his executors and assignes, shal and will within three months nert after reasonable request to him or them to be made, pay and deliver one just and equall third part, or the true value thereof, unto the said R. F. his executors or assignes, and one other just and equall third part, or the true value thereof, unto the said R. B. his executors or assignes: And also that he the said Sir Philip Fisher, his executors, administrators,

or

or aſſignes, ſhall and will, well and truly ſatiſfie and pay, or cauſe to be ſatiſfied one full third part of all and every Legacy and Legacies, bequeſt and bequeſts, and of all debts and other matters and things ariſing, growing due, payable or anſwerable, or to be due or payable, for, or by reaſon of the ſaid laſt Will and Teſtament, or for the execution of the ſame, or thereof, ſhall and will within three moneths next after reaſonable requeſt, acquit, diſcharge, or ſave harmeleſſe the ſaid R. F. and R. B. and either of them, their and either of their executors, adminiſtrators, and aſſignes, and every one of them: And that neither he the ſaid Sir Philip Fiſher, at any time heretofore hath done, nor that he, his executors, adminiſtrators, nor any of them at any time willingly nor wittingly ſhall doe, procure, or cauſe to be done, any manner of act or thing without the conſent of the ſaid Ralph F. and R. B. their executors, adminiſtrators, and aſſignes, that ſhall or may be any impediment or hinderance, to the execution of the ſaid laſt Will and Teſtament of the ſaid K. M. or whereby the ſaid Ralph F. and R. B. or either of them, their or either of their heirs, executors, or adminiſtrators may be in any ſort charged or hindered, contrary to the true meaning of the ſame: And the ſaid R. F. for himſelfe, his heires, executors, and adminiſtrators, doth covenant and grant to and with the ſaid Sir Philip Fiſher, and R. B. & either of them, their and either of their executors, and adminiſtrators, and every of them by theſe preſents, that they the ſaid Sir Philip Fiſher and R. B. their and either of their executors and aſſignes ſhall and may have, retaine, keepe, or diſpoſe their ſaid ſeverall third parts of the ſaid Goods, Chattels, and ſummes of Money, towards the performance of the ſaid Will and Teſtament, and the covenants in theſe preſents contained, if in caſe the ſaid Ralph F. ſhall ſurvive the ſaid Sir Philip Fiſher, and R. B. or either of them. And further alſo, that if at any time hereafter, any more Goods, Chattells, Jewells, Plate, ſumme or ſummes of Money ſhall come unto the hands or poſſeſſion of the ſaid Ralph F. his executors, adminiſtrators, or aſſignes, or for, or by reaſon of the executorſhip, of the laſt Will and Teſtament of the ſaid Katherine M. that then (ut prius) and ſo to the like covenants verbatim, on the part of the other. Mutatis mutandis. In witneſſe whereof the ſaid Sir Philip Fiſher, and R. F. to one part of this Indenture tripartite, remaining in the cuſtody of the ſaid Sir Philip Fiſher, and the ſaid Ralph F. and R. B. to one other part of this Indenture remaining in the cuſtody of Sir Philip Fiſher, and the ſaid Sir Philip, and R. B. to one other part hereof, remaining in the cuſtody of the ſaid R. F. interchangeably have ſet their hands and ſeales the day and year firſt above written.

A Leaſe of a Manor to be onely ſubſcribed and ſealed by the Leſſor with intent that the ſame ſhall be delivered upon the premiſſes by his Atturney.

A Letter of Atturney to deliver the ſame accordingly.

A Letter of Atturney by the Lord, to receive the ſame.

THis Indenture made &c. Betweene I. S. &c. of the one part, and R. D. &c. and E. R. &c. of the other part, Witneſſeth &c. hath demiſed, granted, bargained, and ſold, and doth by &c. unto the ſaid R. D. &c. his executors, adminiſtrators, and aſſignes all that the Manor of &c. and all and ſingular Meſuages, Houſes, Edifices, buildings, Lands, Tenements, Meadowes, Leaſours, Paſtures, Feedings, Rents, Reverſions, Services, and Hereditaments whatſoever, to the foreſaid Manor belonging &c. or accepted, reputed, or taken as parcell or member thereof, and all the part and parts of him the ſaid I. S. of and in the ſame, and the Reverſion and Reverſions, Rents and profits whatſoever of all and every the ſaid Manor and Premiſſes. To have and to hold the ſaid Manor and all and ſingular &c. And the Reverſion & Reverſions, Rents, and Profits of the ſame, to the ſaid R. D. &c. their executors &c. from the feaſt &c. yeelding &c. unto the ſaid I. S. his heires or aſſignes, the yearly rent, or ſum, or value of &c. And the ſaid I. S. for him, his heirs, executors, and adminiſtrators, doth covenant &c. R. D. &c. their executors, adminiſtrators and aſſignes by &c. That he the ſaid I. S. hath not done or willingly ſuffered, nor he or his heires will doe, nor willingly ſuffer any act or thing whatſoever, whereby, or by meanes whereof, they the ſaid, R. D. &c. and their executors ſhall not, or may not quietly and peaceably have, hold, occupy, poſſeſſe, and enjoy the ſaid Manor &c. for and during &c. And that it ſhal & may be lawful to and for the ſaid R. D. &c. and their executors, for and during &c. hereby mentioned to be granted, peaceably &c. to have &c. the ſaid Manor and premiſſes in and by &c. without any let, trouble, deniall, diſturbance, or interruption of &c. and that freed from all incumbrances committed or done, or to be committed &c. by him the ſaid I. S. his heires or aſſignes, or any other perſon &c. lawfully claiming &c. or by or under his or their meanes, aſſent, conſent, title, intereſt or procurement. In Witneſſe whereof &c. Sect. 680.

This to be indorſed.

Memorandum that upon the day &c. I. B. by vertue of a Letter of Atturney

turney to him given, by the within named, which was shewed unto us entred into parcell of the within mentioned Manor &c. in the name of the whole premisses in this Indenture mentioned and there delivered, this Indenture as the deed of the said I.S. to M.C. and I.S. Atturney for the within named R.D. &c. to receive the same, in the presence of &c.

A Letter of Atturney upon the same Lease.

Sect. 681. TO all people &c. I.S. of &c. sendeth greeting, Whereas the said I.S. hath caused a writting to be drawne in forme of an Indenture, betweene him the said I.S. of &c. of the one part, and R.D. &c. of the other part, bearing date with these presents, purporting in effect and substance, a demise to be made by him the said I.S. to the said R.D. &c. of all that the manor of &c. and of divers other lands, tenements, and hereditaments therein mentioned from the feast &c. And the said writting so drawn he the said I.S. hath caused to be ingrossed in parchment indented, And the one part of the said Indenture hath subscribed and sealed in the presence of divers witnesses, as in and by the same more plainly may appeare: which he hath so done, to the intent the same might be delivered, and lawfully executed upon the premisses therein mentioned, or some part thereof, by his Atturney hereafter in and by these presents to that purpose nominated and appointed. Now know ye that the said I.S. for the better execution of his intent aforesaid, hath ordained, constituted, nominated, and appointed, and doe by &c. in his place and stead put I.S. his true and lawfull Atturney, for and in the name of him the said I.S. to enter into the said Manor of &c. herein before mentioned, or any part or parcel thereof, in the name of the whole, and possession thereof respectively, for and in the name and to the use of him the said I.S. to take, and having so taken possession, the foresaid writting or part of parchment indented, subscribed, and sealed by him the said I.S. as aforesaid, to deliver upon the premisses, in the same mentioned or contained, or some part or parcell thereof to the said R.D. &c. their certaine Atturney or Atturneys in that behalfe, or any other to their use, in the name and as the deed of him the said I.S. giving and granting the said Atturney full power and authority in the premisses, respectively to do and execute whatsoever other matter or thing shall be necessary or expedient touching the same, as fully as the said I.S. might doe if he were there present. In witnesse &c.

A Letter of Atturney by the Leſſees to take poſſeſſion of the aforeſaid premiſſes in their own name from the foreſaid Atturney.

TO all people &c. Whereas I. S. of &c. hath cauſed a writing to be Sect. 681.
drawn in the form of an Indenture, between him the ſaid I. S. &c. bearing date &c. purporting &c. a demiſe &c. by him the ſaid I. S. to the ſaid R. D. &c. of all that manner &c. and of divers other lands, tenements and hereditaments therein mentioned, from the feaſt &c. And the ſaid writing ſo drawn, he the ſaid I. S. hath cauſed &c. and the one part of &c. hath ſubſcribed &c. in the preſence &c. as in and by &c. which he hath ſo done, to the intent the ſame might be delivered and lawfully executed, as his deed upon the premiſſes in the ſame mentioned, or ſome part thereof, by his Atturney to that purpoſe authorized, nominated, and appointed, as by the ſaid Letter of Atturney, bearing date &c. Now know ye that the ſaid R. D. &c. have ordained, conſtituted, nominated, authorized and appointed, and doe by &c. ordain &c. and in their place and ſtead put I. C. and I. S. of &c. and each and either of them joyntly, ſeverally, and reſpectively, their true and lawful Atturney and Atturnies, for them, and in their names and ſtead, to go unto the ſaid Manner of &c. and of the ſaid writing or part of parchment indented, and of the premiſſes therein reſpectively mentioned and contained, and in their names and ſtead, and to their uſe, to take Livery and poſſeſſion, of and from the ſaid I. S. or his certain Atturney, authorized and appointed, or to be authorized and appointed, according to the tenure, purport and effect of the ſaid writing, reſpectively giving and granting to their ſaid Atturnies, and to each or either of them, full power and authority, for them, and in their names, and to their uſes to do, and accompliſh whatſoever other matter or thing ſhall be neceſſary or expedient for or concerning the taking or delivery of the ſaid writing indented, and the poſſeſſion of the premiſſes therein reſpectively contained, in the names and to the uſes of them the ſaid R. D. and C. R. as fully as they themſelves might do if they were there perſonally preſent, and whatſoever their ſaid Atturnies or each or either of them ſhall lawfully do, or cauſe to be done, in or concerning the premiſſes, they will allow, ratifie, and confirm. In witneſſe &c.

F I N I S.

THE SECOND PART OF SYMBOLEOGRAPHY,

NEWLY CORRECTED AND AMENDED,

And very much enlarged in all the foure ſeverall Treatiſes:

1 *Of Fines and Concords.*
2 *Of Common Recoveries.*
3 *Of Offences and Indictments.*
4 *Of Compromiſes and Arbitrements.*

Whereunto is annexed another Treatiſe of Equitie: the Juriſdiction, and proceedings of the high Court of Chancerie; of Supplications, Bils, and Anſwers; and of certaine Writs and Commiſſions iſſuing thence, and there alſo returnable: Likewiſe much augmented with divers Preſidents, for the ſame purpoſe, beginning at the 144. Section, and continuing to the end of Bils and Anſwers.

With an addition of ſome neceſſary Examplars to be uſed in his Majeſties Court of Exchequer, Wards and Liveries, and Starre-Chamber.

Hereunto is alſo added a Table for the more eaſie and readie finding of matters, herein contained.

Ingenii cibus ſtudium, ſtudiique diligentia.



LONDON,
Printed by MILES FLESHER and ROBERT YOUNG. 1641.
Cum Privilegio.

Viro Iuriſprudentiæ & pietatis laude illuſtriſsimo *Edwardo Coke* Armigero, ſereniſsimæ Reginæ Majeſtatis Procuratori ſummo W. WEST veram exoptat fœlicitatem.

QUum iis fere omnibus, qui lucubrationes ſuas de aliquo diſciplinæ genere in publicum proferunt, in more poſitum eſſe videtur (vir illuſtriſſime) ut in Epiſtolis ſuis nuncupatoriis duo potiſſimum ſequantur: unum, ut illum ipſum, cujus patrocinio niti ſtatuunt, dignis laudibus efferant; alterum, ut operas ipſas grato encomio afficiant: erunt fortaſſe nonnulli, qui idem à me faciendum arbitrabuntur; à quibus tamen ego longe diverſum ſentio. Utrumque enim ut vellem, maxime certe non poſſum: Nam ab hoc, ingenioli mei tenuitas; ab illo, pudor quidem ingenitus me remoratur. Et vero ſi in laudes tuas excurrerem longius, vereor, ut & ipſe hoc non patereris. Et ego, cum corporis, tum animi dotium, quas natura affatim in te quaſi effudiſſe videtur, multitudine obrutus, neque quid præ cæteris dicendum, neque quomodo finis faciendus ſit, facile reperire poſſem: ſive de eximia juris noſtri ſcientia, ſive de ſingulari pietate tua dixero, quas in te (vir ornatiſſime) ætas etiamnum integra, tam mature nobis exhibuit, ut ad quaſvis res præclaras gerendas, non factus ſed natus eſſe videaris. Quarum veluti ſuffragiis ad præclara munera jamdudum evectus, aliiſque, etiam grandævis, prælatus ſis. Sed quicquid ipſe de te dixero, dicturus illud ſum tenuius minuſque ſplendide, quam dici debuiſſet, & rei dignitas poſtularet. Itaque malui ſilere, ac ſingulares illas animi corporiſque tui dotes ſuſpicere, quam, nihil dicendo, infantiam meam prodere. De opella autem mea glorioſius dicere nihil attinet. Illius enim argumentum ejuſmodi eſt, ut nullius adeo commẽdatione magnopere egere videatur, quippe quod de iis rebus tractat, quæ ad pacem & concordiam cum conſtituendam, tum reſtituendam ſpectant maxime: ſive enim tractatum primum de finibus: ſive alterum illum de recuperationibus, quæ dicuntur, ſive tertium de criminibus & accuſationibus inde oriundis: ſive poſtremum de compromiſſis & arbitriis contempleris, nihil aliud ad quam quietem & tranquil-

litatem humanæ ſocietatis, ſpirare videntur omnia. Nam arbitria, lites, eaſque ſuſcitatas, leviter componunt: fines & recuperationes, dominia & proprietates firmant: accuſationes, nocentum peccata detegunt; ut nocentes ipſi vel ſanentur, vel emedio tollantur, ne iſtorum virus proximos quoſque vel conficiat vel inficiat. Et certe haud ſcio, an pace quicquam auguſtius ad veram ſingulorum felicitatem excogitari poterit, illa namque nobiſcum commorante omnibus bonis ac commodis abundamus, atque ex animi ſententia ſuccedunt omnia. At ſi dulciſſima ejus conſuetudine privemur, eaque à nobis exulet, ſtatim bello, omnibus malis atque erumnis expoſiti, vitam longe miſerrimam ducimus. Modum autem, quo hæc tractavi, laudare, meum non eſt. Quod ſi enim is ejuſmodi eſt, qui tibi, aliiſque bonis & doctis viris placeat, ſatis per ſeipſum commendatus erit: ſin minus, vana rei non probandæ commendatio, ipſam laudabiliorem non efficiet. De animo autem meo, hoc tua pace libere effari libet, voluiſſe me prodeſſe quamplurimis, iis autem præcipue, qui prima juris noſtri tyrocinia exercent. Quod ut melius præſtare poſſem, iſta volui qualicunque methodo: cum profecto nulla mihi videatur dicendi ars, alia niſi methodus quæ à prioribus natura, ad proxima; quæ à notioribus, ad minus nota; quæ à generalibus, ad ſpecialia; quæ à finitis, ad infinita; quæque ita demum ab inſtituto aliquo genere ad media, tum definiendo, tum dividendo tranſit, donec tandem in exemplorum infinitate conſiſtat; quam quidem deſponendi rationem tibi (vir ornatiſſime) non ingratam fore confido, cum omnes tuæ diſputationes, atque adeo dicta omnia, illam ipſam ſuaviſſime ſemper ſpirare videntur. Te igitur horum Mecænatem rogo pro genuina & lauditiſſima illa tua in rem literariam, literatoſque omnes promovendi promptitudine, & veræ pacis amore ſingulari, acerrimoque tuo in delicta odio, ſi alia reipublicæ graviora negotia non impediant, hunc libellum cognoſcere, ſuſcipere ac tueri velis; quo mihi animos ad hæc augenda, & perpolienda, & hiis majora allaeriter aggredienda, addas. Te (vir juriſconſultiſſime) æternæ pacis author, ad ſui nominis gloriam, eccleſiæ commodum, & reipublicæ tranquillitatem, quam diutiſſime ſervet incolumem. Ex ædibus meis Firbeckienſibus haud longe à Doncaſtria burgo, in agro Eboracenſi, poſtridie calendas Maias; Anno ſalutis per Chriſti ſolius ſanguinem reſtitutæ. 1594.

Tibi deditiſſimus,

WILLIAM WEST.

SYMBOLEOGRAPHY,

Of Fines and Concords.

The definition of Fines.



Forasmuch as wee haue already in our first part of Symboleography shewed the forme of diuerse Conditions and Couenants, aswell for the leuying of Fines of Lands and Tenements, as also to rayse and limit the vses thereof: It now seemeth necessary to shew how the Notes of Writs of Couenants and Concords for Fines, with other necessary Circumstances concerning the same, are to be made. Wherefore let vs first learne what, and how worthy things Fines be. Sect. 1.

Tremaile 21 E.4.fol.4. learneth Fines, Couenants made before Iustices, and entred of Record.

Browne saith, Fines be fructus, exitus, et finis effectus Legis, Plow. fol.357.

Glanvil in his eighth Book and first Chapter learneth a Fine, Amicabilis compositio, & finalis concordia ex consensu & licentia dñi Regis, vel ejus Iusticiariorum. And Bracton tractatu quinto, Lib.5.Cap. 28.Sect.7. de Exceptionibus, saith, Finis ideo dicitur finalis concordia, quia imponit finem litibus, & est exceptio peremptoria.

And Glanvil, Cap.3.lib.9. saith, Talis concordia finalis dicitur, eo qđ finem imponit negotio, adeo ut neutra pars litigantium ab eo de cætero poterit recedere.

In which Bookes may be seene the ancient forme of leuying fines, and their great antiquity: for they be as ancient as any Court of Record, Plow.fol.357.a.368.b. which without question were long before the Conquest.

So that Fines hauing their commencement of Record long before the Conquest, euer since haue remained in great estimation, as appeareth by a Fine leuied before the Conquest, touching the possession of the Abbey of Crowland, and diuers other ancient Fines leuied before that time, yet extant, Plowd.357.a.368.b.

But chiefely we are to consider their effects: which be, to make certaintie and assurance to the parties concerning their estates in Lands and Tenements, and to end contention, and breed peace and securitie to all men.

As appeareth by the Statute de Finibus 27 E.1.St.1.c.1. wherein by these words, Quia fines in curia nostra levati finem litibus imponere debent,& imponunt: Ideo fines vocantur maxime cum post Duellum & magnam Assisam in suo casu ultimum locum finalem teneant imperpetuum: with which Statute agréeth Bracton tractatu 5 Lib.5. c.28. Sect.7. de Exceptionibus.

And therefore by the ancient Law, Fine and Nonclaime by the space of a peare and a day was a peremptory bar to all men,which was abrogated by the Statute made 34 E.3.c.16.

And at this day Fines be of great force, puissance and worthinesse: for being leuied and ingrossed with proclamations, according to the Statute of 4 H.7.c.24. 1 R.3 c.7. 32 H.8.c.36. & 31. Eliz.Reg.c.2. They are finall ends,and sufficiently conclude,bar and discharge for euer as well parties and priuies,as estrangers to the same, except women couert (other then béene parties to the fines) and euery other person at the time of the leuying of the same fine being within the age of xxi.yeares, or in prison,or out of the Realme,or of vnsound mind, and not parties to such fines: Sauing vnto estrangers to such fines such right,title,claime and interest, as they haue to the tenements therein contained at the time of the ingrossing thereof: so that they pursue the same by action,or lawfull entrie within fiue yeres nert after proclamations thereupon made according to the said Statutes: And sauing to all other persons such action,right,title,claime and interest,in or to the tenements in such fines mentioned,as first shall grow,remain,descend or come to them after the said fine engrossed,and proclamations made, by force of any cause or matter had or made before the said fine leuied: so that they pursue their action, right, or title within fiue peares nert after that it is to them accrued.

20.Ass.p.1. 26.Ass.p.37. Dyer fol.179. Plow.fol.146.

By which authorities we gather,that fines are nothing else but Instruments of Record of agréements concerning lands, tenements,or hereditaments,duely made by the Kings consent & licence, and knowledged by the parties to the same vpon a Writ of Covenant,a Writ of Right,a Writ of Customes and Services, Warrantia chartæ thereof, or such like,before the Justices of the Common Place,or others therunto authorised,& ingrossed of Record in the same Court, to end all controuersies thereof both betwéene themselues which be parties and priuies to the same,and all estrangers not suing or claiming in due time.

These Fines destroy estates taile(other then such as be made by the King, the reuersion being in the King, 32 H.8.c.36. And other then fines of lands restrained from alienation by Act of Parliament,32 H.8. c.36. Or leuied by an Intrudor of lands seised into the Kings hands as by an heire which holdeth in Capite before Liuery sued,1 H.7.c.5.

For

For by the prerogative c. 13. by his entry, he gaineth no freehold,) and in time become perpetuall bars against all men, end strife, make peace, breed securitie and tranquility, which is the very fruit, effect, and end of all godly Lawes.

Of the parties to fines.

In euery fine two things are principally to be regarded, the persons and the action. Sect. 2.

Persons chiefely regarded in fines be the parties to the fines, and the Judges.

Parties to the fines be the Conisor and the Conisée, which are the efficient causes thereof.

The Conisor is he which doth knowledge the fine.

The Conisée is he to whom the fine is leuied.

In the parties three things are specially to be regarded: Their Capacities, Names, and Estates.

Touching the Capacity of the Conisor, it is to be considered whether he be a person able to leuie a fine or no: namely whether he bee void of all such impediments naturall and ciuill as may hinder him in doing thereof.

What persons may be Conisors, and what not.

All persons, male and female, may be Conisors, but such as are prohibited that to doe by nature or law. Sect. 3.

By nature through defect of the mind or of the bodie, but no longer than such defect endureth.

This defect of the mind is either naturall or casuall.

Of Infancy.

Defects of the mind by nature, as by age, which is of Infants, that is, persons vnder the age of xxi. yeares, as by Ideocy, which ought not to be Conisors, because the Law intendeth they want vnderstanding and discretion what to doe in this behalfe: Yet if a fine be leuied by an Infant, it cannot be reuersed but by himselfe by Writ of errour during his infancy, that the Court may see him, and thereby iudge his age, 50 E. 3. 5. 17 E. 3. 52. & 78. Sect. 4.

Impediments of the minde casuall, are such as affect furious mad men, Lunatikes, Ideots, men hauing the Lethargie, whereunto may (as it seemeth) bee added doting old persons wanting discretion, men drunken, who ought not to be Conisors, for their fines are not reuersable, because the fine it selfe argueth their habilities: for the Law intendeth that Iudges will receiue no Cognisances of such persons, 17. E. 3. 5. & 78. 17. Ass. 17.

Defects of the bodie.

Sect. 5. DEfects of the bodie, be such infirmities thereof by which the principall sences necessary for vnderstanding and to declare their consents are wanting: Of which sort be such as are blind, deafe, or dumb, naturally.

But persons blind, deafe, or dumbe, accidentally may make cognisance if they can expresse their meaning by writing.

Impediments legall or civill.

Sect. 6. LEgall impediments be when such persons be prohibited by Law as by nature are able to leuie fines.

And they are either by reason of subjection or joynt power.

Of legall subjection.

Sect. 7. SUbjection legall is when persons be vnder the rule of others, as a feme couert to her husband, 2 H.5. 9 E.3.28. A villein to his Lord 33 E.3. Persons ciuilly dead, as Friers, Nunnes, Monkes, Chanons professed, and other like superstitious votaries, who are in subjection to their Soueraignes, 14 H.8.16. 2R.2.5.

Of coverture.

Sect. 8. AND therefore a feme couert within age ought not to leuie a fine, for that she cannot reuerse it during the couerture, nor after, if the couerture continue till she be of full age, 50 E.3.5. 27 Ass. pla. 53.

And a feme couert ought not to leuie a fine but with her right husband, 7 H.4.23. 42 E.3.20.

But a fine leuied by a feme couert without her husband of her owne lands wherein she hath fee simple, is an estoppell against her and her heires, if her husband auoid it not by entry, or otherwise, as he may during his wiues life, and after her death during his owne life, as if he bee tenant by the Curtesie, 17 E.3.52. & 78. 17 Ass. 17. 7 H.4.23. But if liuing her first husband she take a second husband, and with him and by his name knowledge a fine, this fine shall not bind her, because she is misnamed, 7 H.4.22. & 23. Yet if she with her right husband by a wrong Christian name leuie a fine, she is estopped during her life, 1 Ass. pla. 11. Brooke. Fines 17.

A feme couert must beware how shee with her husband doe leuie a fine of her ioynture, least she thereby loose her dower, Trin. 19. Eliz. Dyer fol. 359. pla. 49.

Neither ought the husband without his wife to leuie any fine of her lands, for she and her heires may auoid it after his death, 32 H.8.c.28. 12 E.4.12. 42 E.3.20.

Villeines

Villeines.

AND Villeines by knowledging such fines should prejudice their Lords, thereby bereauing them of the lands alienedfor such fines be good. Sect. 9.

Persons dead in Law.

AND fines leuied by persons ciuilly dead, are vtterly void. Sect. 10.

Imprisonment.

AND if men compelled by threatnings or imprisonment should be admitted to leuie fines, they should thereby be barred, because the Law intendeth such persons are at liberty when they acknowledge fines, 17 E. 3. 52. 78. 17. Ass. 17. Sect. 11.

Of persons having ioint power.

PErsons prohibited to be Cognisors by reason of ioint power, are they that haue ioint power and authority with others, as the single members of euery Corporation or Society. As a Bishop without his Deane and Chapter, a Deane without his Chapter, an Abbot or Prior without his Couent, A Parson, Vicar, Prebendary, or Chauntry Priest without their Ordinary, A Mayor without his Cominaltie, Wallers of Colledges without their fellowes, and of other Societies incorporate, may not leuy fines, Pl. 375. b. 11. El. f 538. a. 20. El. 21. E 4. 13. 11. H. 4. 68. 12. H. 4. 11. & 12. 38. E. 3. 33. Sect. 12.

Of the estates of Cognisors.

ALbeit euery fine be good to bind the parties, yet for the validity of the fine, it is conuenient that either the cognisor or the cognisee be seised of the lands alienated, 41 E. 3. 14. 22 H. 6. 13. Sect. 13.

For the fine is void if neither of the parties be seised at the leuying thereof, 41 E. 3. 14. 33 H. 6. 18. 3 H. 6. 27. 27 H. 8. 4. & 20. 37 H. 6. 34. 13. Ass. p. 8. 3 H. 7. 9. 5 E. 3. 22 H. 6. 57.

Yet the vouchée after he hath entred into the warrantie, may leuy a fine vnto the demandant, though in facto neither of them is seised: For such vouchée is tenant in law and may conselle the Action, because of the priuity betweene him and the demandant. But a fine by him so leuied to an estranger is void, 8 H. 4. 5 H. 7. 40.

Persons attainted or wained in personall actions, may alien by fine or otherwise, for their estates remaine in them still, though they thereby forfeit the profits of their lands, 9 H. 6. 20. 21 H. 7. 7.

And persons attainted of felony or treason may not be Cognisors, by reason that by their offences their estates be forfeited: But if they do, their fines be good against all persons, but the King & the Lord of whom the lands be holden for their times, 8 Ass. pl. 25. for their estates

remaine in them during their liues.

Also tenant for life may leuie a fine sur graunt & releas of the lands which he holdeth for life, to hold to the cognisee for life of the Tenant for life, and it is no forfeiture, 44 E. 3. 36. But if the estate were larger, or the fine sur cognizãce de droit come ceo que, &c. it were a forfeiture of his estate, 4 H. 7. fol.

The same law is of such fines by tenant in taile after possibility, tenant in dower, or by the curtesie, 39 E. 3. 16. But such fine of a rent sæmeth to be no forfeiture, 2 H. 5. 7. Yet a particular tenant, as in dower, by curtesie, or for life, cannot by fine grant and surrender their estates to the owner of the reuersion or remainder, but may by fine grant and release the same, 17 E. 3. 62, 24 E. 3. 26. 20 E. 3. & 14 E. 3.

A tenant in common or Iointure may leuie a fine of his part, 26. H. 8. 9.

So may a Copartner of his part, Dyer 334. pl. 30. Pas. 16 Eliz.

A fine leuied by the heire who is an Intruder vpon the Kings possession is void per le Prerog. Cap. 13. 1 H. 7. 5. 24 E. 3. 65. But if such fine be leuied without intrusion, it bindeth the cognisor and his heires, 1 H. 7. 5.

If a disseisor leuie a fine with proclamation, and the disseisee within fiue years after do not enter or claime, he and his heires be barred for euer, Pl. fol. 353. El inter Stowell & Zouch.

Also fines may be leuied by the tenant in taile generall, or speciall And by tenant in fee simple, And by tenant in remainder or reuersion.

Having thus passed the capacities and estates of Cognizors, let us have consideration how they may be named.

How Cognisors are to be named.

Sect. 14. TOuching the names whereby parties to fines ought to be named, for so much as names be to no other end inserted into fines and other writings, then that it may be certainly knowne, who be the parties thereunto, it is requisite that they be certainly named by their right names of baptisme and surnames, whether the same bee King, Prince, Duke, Marquesse, Earle, Vicont, Baron, Lord, or Knight, which bee names of dignity, (some of which are sometimes named without their surnames, as Georg. Comes Salop without his surname, Iohes Dux Lancast',) or he be an Esquire or Gentleman, which be names of worship, nobilitie, and honor, 14 H. 6. 15. 21 E. 4. 8. 4.

Whose additions neuertheless of curtesie are commonly vsed in fines, as Io. Byron Miles, Y. D. armig. T. L. gener. or if hee bee a yeoman, husbandman, artificer, labourer, or any Ecclesiasticall person:

as

as Archbishop, Bishop, Archdeacon, Dean, Parson, Vicar, Clerk, &c. Or any Corporation, or body Ciuill, Politike, or Corporate, hauing couent or common Seale: as Baillie and Burgesses, Maior and Comminaltie, or any other Fraternity or Brotherhood, 11 H.4.44. 12 H.4.20. 14 H.21. 7 H.6.27.

And albeit it bee not necessary alwayes in fines to giue the parties their proper additions of place, dignitie, estate, degree, misterie or occupation: Yet if there be two or more in one Parish of one name and surname, it séemeth requisite for distinction sake, to giue them some additions, &c. as I.S. Senior or Iunior, &c. As if a man haue two sons of one name, or the father and the son be of one name, the father shall not carry the addition of Senior, but the son of Iunior, and not the elder brother but the yonger, 37 H.6.29. 47 E.3.16.

What persons may be Cognisees in fines, and secondly by what names they must be named.

ALl such persons as may be grantées or take contracts, may be cognisées, as persons of full age, infants, femes couert, mad men, lunatike, ideots, men imprisoned, men without the Realme, and all Corporations & ciuil bodies, men attainted of felony or treason, men outlawed in personall actions, bastards, clerks conuict, villeins, aliens, &c. Sect. 15.

And if a fine be leuied to a feme couert, she néedeth not to be examined, because she taketh by the fine: and if she had any better estate before the fine, the fine shall not conclude her to claime it, 3 H.6.41. 41. E.3.7. 50 E.3.9. 24 E.3.62.

Neither shall an infant being cognisée be examined, 24 E.3.62. because the fine is for his benefit. Tenant for life may be Cognisée in a fine, by which the cognisor doth confesse all his right, which he hath in the lands, to be the right of the tenant for life, and release and quite claime to him and his heires, and not commit any forfeiture, for thereby his former estate is not changed, and it may inure to him in reuersion or remainder, 1 H.7. fol.5.

And an Abbot, Deane and Chapter, Maior and Comminaltie, and such like Corporations, may be Cognisées in fines: but before the ingrossing of the fines to such a Corporation, a Writ ought to be directed to the Iustices of the Common Place, qd̄ pmittant finem illum levari, 5 H.7.25. 19 H.6.15. A Prior may be Cognisee, 22 E.4.15 E.4.22.

But persons ciuilly dead, as Monks, Chanons and Friers, cannot be cognisees, because they be vnder the rule of others, and want ciuill capacitie, 5 H.7.25. 19 H.6.25.

2 Cognisees in fines must be named by their right proper names

and ſurnames: for a fine being leuied to A. and Sibill his wife (where her Chriſtin name was Iſabel) was holden void, 1 Aſſ. pl. 11. See the Section how the Cogniſors are to be named, and that will ſatisfie you for the naming of Cogniſees.

Before what perſons fines may be knowledged.

Sect. 16. HAuing thus peruſed the capacities, eſtates and names of cogniſors and cogniſées, it is time to enquire of the Iudges, before whom this buſineſſe may be handled: Touching which it is to be noted that of theſe, ſome are Iudges onely at the time of the cogniſances and certificat thereof:

And others at the time of the concord.

And Iudges of the cogniſances, are ſuch perſons as haue power to take ſuch cogniſance, either by vertue of their offices, or by ſome commiſſion generall or ſpeciall, granted vnto them by his Maieſtie out of the high Court of Chancery.

All or two of the Iuſtices of the Common Place may in open Court take knowledge of fines, and record them by vertue of their offices, 15 E. 2. c.

And the chiefe Iuſtice of the Common Place, by the priuiledge and prerogatiue of his place and office, may take cogniſance of fines in any place out of the Court, and certifie the ſame, without Writ of Dedimus poteſtatem, Dyer fol. 224. pl. 31.

And it ſéemeth by the Statute 15 E. 2. That if the parties be not able to trauel, two of the Iuſtices of the Common Bench, with the conſent of the reſt, or one of them, with a Knight, may go vnto the parties, and receiue and certifie their Cogniſances into the ſaid Court, without any Dedimus poteſtatem to enable them thereunto. But this courſe is long ſithence diſcontinued.

And it ſéemeth, that Iuſtices of Aſſiſes by the generall words of their Patents may take and certifie Cogniſances of Fines, without any ſpeciall Dedimus poteſtatem, for the words be in effect as followeth, that is to ſay: Necnon ad recipiend' omnes fines, concordias, & recognitiones in circuitu ſuo, conjunct' & diuiſim, recognit' pro illa vice in circuitu illo, non obſtante aliquo actu, ſtatuto, ſiue ordinatione in contrarium, &c.

Yet ſuch Iuſtices vſe not now to certifie them, without a ſpeciall Writ of Dedimus poteſtat', ſued forth of the Chancery, directed vnto them, and giuing them thereby power to take and certifie ſuch Cogniſances as they haue already taken, Dyer fol. 224. pl. 51. 5 Eliz. 1 H. 7. 9. And Fines haue béene leuied before Iuſtices Errants, Lib. Intrac' titulo Scire fac' in Ayde 2.

Of

Of a Dedimus poteſtatem de Fine levando.

A Speciall Commiſſion for a fine is a Writ of Dedimus poteſtat̃ directed to ſome perſons to take the Cogniſances of the cogniſors which is granted out of the Chancery, when cogniſors of fines by reaſon of infirmity, or other reaſonable cauſe, cannot come to the Court there to make cogniſance thereof. This Dedimus poteſtat̃ muſt contain the ſubſtance of the writ of Covenant, and recite that it is thereof depending betweẽ the parties bearing Teſte after the writ of Covenant: which writ of Dedimus poteſtat̃ ought to be directed to men of good credit and conſcience, and expert in the Lawes, who muſt certifie the ſame with the Cogniſances to the Juſtices of the common Pleas, as ſhall be ſhewed hereafter. And every ſuch Dedimus poteſtat̃ to a ſpeciall Commiſſion muſt be ſigned by the Lord Chancellor, or Lord Keeper, and Lchiefe Juſtice of the Common Pleas, or by ſome of the Juſtices of the Circuit where the land lyeth. Sect. 17.

But now many Writs of Dedimus poteſtat̃ to take knowledge of fines be directed to men of mean degree & ſmall knowledg, with whom ſometimes for faſhiõ ſake in ſuch cõmiſſion be joyned Lords, Knights, & other of good credit: but be ſeldome uſed in the execution thereof. By meanes whereof oftentimes this buſines is vnduly effected. & Recogniſances of femes couert within age, and of other women never duely examined, and of infants, as alſo of mad men, lunaticks, ideots and men impriſoned, are ſometimes certified, which would never be ſuffered, if ſuch cogniſors were for that purpoſe either brought into the Court, or before any of the Juſtices therof, or before any Serjeant, or knight, or man of good conſcience & diſcretion, who would ſoon perceive their imperfections, and therfore refuſe to take their Cogniſances in ſo weighty matters as fines be, which be the moſt binding barres in the Law. Great care & hed therof in my conceit is to be had, to whom ſuch authority is committed, leſt it be ſo abuſed as is abouſaid. And writs of Error haue bin brought, becauſe fines haue bin knowledged by Dedim^{us} poteſtat̃ before ſuch as was neither Judge, Abbot, knight, nor Serjeãt at the Law, and therefore ſuch recogniſances haue bene refuſed, Br. Fines 120.

A Juſtice or other perſon being cogniſee in a fine, may not take cogniſance thereof himſelfe: for if he ſo doe, the fine thereupon levied is void, 8. H. 6. 21.

And when any cogniſance of fines is taken, it ſeemeth conuenient, that the perſons before whom they be knowledged, doe ſigne the note of the cogniſance as it is commonly uſed for the credit thereof, Dyer fo. 320. p. 19. H. 15. Eliz.

And now by a late order, all fines taken by Dedimus poteſtatem by him

him that is not Iuſtice of Aſſiſe in the Circuit where the land lieth, muſt be ſigned by a Iuſtice of that Circuit, Dyer fo.220.pla.15. The forme of the Dedimus poteſtatem appeareth amongſt the adjuncts of Concords.

Iudges, to whom Cogniſances are to be certified, and before whom they are to be Recorded.

Sect.18. IVdges for the recording of fines be the Iuſtices of the Common Pleas only, 15.E.2.ca. And therefore as it is ſaid, all Cogniſances thereof muſt be certified thither, for in that Court only all fines are be leuyed, notwithſtanding, 36.H. 6. 34.

And by ſpeciall grant a fine may be leuied in a baſe court, 44.E.3.38.

But fines leuied in ancient demeſne by any cuſtome ſæm void, 44. Ed.3.38. And ſo in other inferiour Courts, 50.Aſſ.pla.9.

Alſo by a Statute of 2.Ed.6.ca.28, fines may be leuied in the County Palantine of Cheſter.

And by 37.H.8. c.19. fines may be leuied of lands in the County Palantine of Lancaſter.

And by the Statute of 5. El. cap. 27. fines may be leuied within the County Palantine of Dureſme.

Having thus run over the diſcourſe of the perſons uſed in fines, order requireth that we ſhould now ſet upon the very actions of fines themſelves.

Of the diviſion of Fines.

Sect.19. Fines divided. EVery fine therefore is either without proclamations or with proclamations.

A fine without Proclamation. At this day a fine without proclamation, which is alſo termed a fine at the Common Law, is ſuch a fine as is leuied after ſuch manner and forme as they were vſually leuied before, 4.H.7.c.24. vpon which no proclamations were made, which fines doe ſtill remain of ſuch force, as they were at the Common Law, to diſcontinue the eſtate of the Cogniſor, if they be executed, 7.Ed.3.fo.35. 1.R.3.c.7. Dyer fo. 216, p.54.4. El.Pl.fo.265.b. 4.H.7.c.24.

Diſcontinuence.

A fine with Proclamation. A fine with proclamations (the ſame is alſo termed a fine according to the Statute) is a fine leuied with proclamation after the forme and maner ordained by the Statute made 4.H.7.c.24. 1.R.3.c.7. Mar.c.7. 32.H.8.c.36. 31.El c.2. Plo fo.265.b.

Of Fines executed, and executory.

Sect.20. A fine executed. AND every fine, as well with proclamation as without, is either executed or executory.

A

A fine executed is such a fine, as of his owne force giueth a present possession (at the least in law) vnto the Cognisée, so that he néedeth no writ of Habere facias seisinam for the execution of the same fine, but may enter, of which sort is a fine sur cognisance de droit come ceo que il ad de son done, which is in very déed the surest fine of all, 8 H. 4.8. 41.E.3.14.42.E.3.5.46.E.3.15.50.E.3.9. 13.Ass.p.8.

A fine executory.

Fines executory be such, as of their owne force doe not execute the possession in the cognisées, as fines sur cognisance de droit tantum. Fines sur done, graunt, releas, confirmation, or render: for if such fines be not leuied, or such render made vnto them that be in possession at the time of the fines leuied, the cognisées must néeds sue writs of Habere facias seisinam, according to their seuerall cases, for the obtaining of their possessions. Neuertheless, if at the leuying of such executory fines, the parties, vnto whom the estate is limited, be in possession of the lands passed, he néedeth no writ of execution for the same, for then such fines do inure by way of extinguishment of right, but alter not the estate nor possession of the cognisée, but perchance better it. 7.H. 7.12. & 22.2.E.3.6. 21.E.3.44. 8.H.4.8. 41.E.3.14. 7.H.4.23.

Extinguishment.

Againe, some Fines are single, and some double.

Sect. 21.

A single fine is such a fine by which nothing is granted, or rendred backe againe by the Cognisées, or any of them, to the cognisors, or any of them, 8.H.4.8. 24.E.3.26.

A single fine.

A double fine is a fine containing a grant and render back again either of some rent, common, or other thing out of the land, or of the land it selfe, to all or some of the Cognisors, for some estate, limiting thereby many times remainders to estrangers, which be not named in the writ of Couenant, 8.H.4.8. 24.E.3.26. and 35.

A double fine.

Of the parts of Fines, and of the writ of Covenant.

Sect. 22.

In the forme of euery fine we are to consider the principall parts thereof, and their Adjuncts, both proper in euery part, and common to all. The principall parts of fines be the writ or action whereupon the concord is made, and the concord it selfe.

Part of fines.

Of writs whereupon fines are levied.

Sect. 23.

The writ is the very basis, ground, & foundation of the fine, whereby the parties haue day in court to leuy the same, & containeth the parties and things to be passed certainly, And it is most commonly a writ of Covenant, 35.H.8.Br.Fines 116. Or a Warrantia chartæ, 18. E.4.22. Or a writ of Right, Or a writ of Meine, 26.Ass.pla.37. Or a writ of Customes and services, 26.Ass.pla.37. Dyer fo.179. pla.46.

Whereof

Whereof Fines be grounded.

Sect. 24. IN euery such writ the essentiall parts and the adjuncts are to be considered: the principall parts thereof be the parties to the same, whereof we haue spoken already, And the things whereof a fine is leuied.

Of what things Fines may be levyed.

Sect. 25. AND touching the things wherof fines are leuiable, we are first to consider the nature of the things themselues, whether they will passe in fines or no: And then of their names, by which they may passe or not: And how they may be in order placed in the writs. Fines therefore may be leuyed of all things inheritable being in esse tempore finis, and certainly expressed in the writs, 18.*E*.4.22. as de messuagio, tosto, columbario, gardino, terra, prato, pastura, bosco, subbosco, bruera, mora, juncaria, mariſco, alneto, ruscaria, redditu, *per Regiſtrum fol.* 2. *a*, de Rectoria Eccleſiæ parochialis de M. ac de decimis granorum, garbarum, & fœni eidem Rectoriæ spectan̄, &c. or cum omnibus decimis granorum, garbarum, & fœni eidem Rectoriæ spectan̄, *Thel. li.* 8. cap. 9. Sect. 2. de Rectoria 2. E. 3. de furlongo ter̄ 4. H. 6. 14. de passagio ultra aquam de T. de pastura ad certos boves, oves, & alia averia, ac de communia pro omnibus animalibus, vel pro omnimodis averiis vel de libera piscaria, libera warrenna, vel de Advocatione Eccleſiæ de D. vel de aliquo servitio speciali, ut de servitio unius feodi Militis, uni° paris Calcarium deauratorum, vel de servitio inveniendi hominem, eqnitem vel peditem ad eundum, vel ad equitandum cum le Cognisé in exercitu Walliæ vel Scotiæ, &c. de Piscaria 13. E. 3. de officio 27. H. 8. fol. 12. de proficuis officii 12. E. 3. de Advocatione *Regiſt. fol.* 165. de Corodio 18. H. 6. fol. 20. 4. E. 4. 6. de chiminio 2 E. 3. fol. 49. de proficuo molendini 18. E. 3. fol. 56. de libero redditu in brevi, and in the concord, Quod prædictus A. recogn̄ prædict' redditum cum pertinentiis simul cum homagio & fidelitate B. C. & heredum suorum de totis tenementis quæ &c. 1. E. 3. fol. 1. & 5. de frankfold, 1. E. 3. fol. 1. de Nundinis & Mercatu 1. E. 3. fol. 4. de franchisia 1. E. 3. fol. 4. de Minera plūbi, & cujuscunque generis metalli cum pertinentiis, &c. *Reg. fol.* 165. de decimis garbarum ad eccleſiam de N. qualitercunque spectan̄ *Reg. fo.* 165. de Advocatione tertiæ partis eccleſiæ, &c. or de tertia parte Advocationis eccleſiæ, or de medietate advocationis eccleſiæ, or de Advocatione medietatis eccleſiæ, 45. E. 3. 12. 33. H. 6. fol. 11. de Communia 4. E. 4. 6. de caruca terræ, de pastura ad cen̄ boves, de homagio, de feod Militis *Reg. fol.* 166, 167.

And a fine may be of a rent charge, which had no being before, 21. E. 3. 44.

Or of a chiefe rent or other rent in being, 18. E. 4. 22.

Or,

Or of a Seigniory, 48.E.3.23.
Or, of an acquitaile, 50.E.3.23.
Or, of a Chauntry, 37.E.3.33.
And of many other things may fines be leuied.
And as fines may be leuied of things in possession, so may they be leuied of a Remainder, or Reuersion, 42.E.3.7. 44.E.3.45.
And a Reuersion or a Remainder will passe by the name of the lands, 43.E.3.22.
But where a fine is of a reuersion or a remainder, it behoueth the cognisee to sue a Quid juris clamat against the tenant: When it is of rent, a Writ Quem redditum reddit: And where of a Seigniory or seruices, Per quæ servitia, to compell the tenant to attorne, as shall be shewed hereafter. Of a reversion or remainder.
Fines may be leuied of the inheritance or freehold of parsonages, vicarages, portions, pentions, tithes, oblations, or any other Ecclesiastical profit, made Temporall, and admitted to abide in Temporall hands, and lay vses, by the Lawes and Statutes of this Realme of England, 32.H.8.c.7. Of Ecclesiasticall lands made Temporall.
And to conclude, fines be leuiable of all things, whereof a Precipe quod reddat lyeth, as will appeare by the examples following.
And lands bought of diuers persons may passe in one fine, and then the Writ of Covenant must be brought by all the vendées against all the vendors: And euery vendor must warrant against him and his heires only: for it is absurd that one man should warrant the sale of another without consideration. Of diuers purchases.
And such joynt fines séeme reasonable, especially where the seuerall purchases be of so small value as the charges of a fine would exceed the value of some of them.
But fines may not be leuied of things in certaine: as de tenemto 3.E.4.19. 11.H.7.25. 12.H.7.6. 47.E.3. Incertainty. Tenement.
Nor of lands giuen in taile by the King, for it is void against the issue in taile and the King, 32.H.8.c.36. Br Fines 121. Taile by the King.
Nor of lands restrained from being sold by act of Parliament, 32. H.8.c.36. Restraint.
Nor of lands of the husband or of his ancestors assured for jointure, dower, or in taile, to any woman by means of her husband or his ancestors, for such a fine worketh a present forfeiture of her estate, if she grant a greater estate then for her life, 11.H.7.c.20. Plow fo. 459. Dower. Joynture. Forfeiture.
Nor of lands seised into the Kings hands before Liverie or Ouster le maine sued, 24.E.3.65. Lands seised.
Nor of lands in Antient demesne: for if any fine be leuied of such lands, it may be reuersed by a Writ of Disceit, brought by the Lord of Antient demesne.

Antient

Antient demeſne, & thereby he ſhalbe reſtored to his Seignior, and it ſæmeth to be void betwéen the parties, quia coram non Judice, 7.H.4. 44. 8.H.4.23. 21.E.3.20. Reg.fol.13.b. *de Fine adnullando, &c.*

Yet it is holden good to binde the parties, 17.E.3.31. & 7.H.4.Br. Fines 101. which ſæmeth not to be Law.

Anciēt demeſne and lay fee.

But if ſuch fines be of lands in Antient demeſne, and of lands at the Common Law, it ſhall be ſtill good for the lands at the common Law. 7.H.4.44. 21.E.3.20.

By what meanes things may paſſe in Fines.

Sect.26. Names.

NOw that we haue partly ſet downe what may paſſe in fines, let vs ſée by what names the ſame may paſſe. An honour, this may paſſe by the name of a Manor, or by his proper name: as de honore de Tickhill, or de manerio de Tickhill.

A Manor.

It ſufficeth alſo to demand a Mannor by his proper name without naming of the Towne wherein it lyeth. For it may be out of any Towne, or extend into ſeuerall Townes and Counties: as de manēr de D.cum ptiñ, yet it ſæmeth beſt to expreſſe all the ſeuerall Towns into which it extendeth: as de manerio de S.cum pertiñ in D.& E.19. E.4.fo.9.a. 43.E.3.fo.9.a. Bracton lib.4.c.31. Sect.3. 9.E.4.fo.61.9.a. 16.a. 17.b. 11.H.7.fo.22.b.49. For if any the Townes, into which the Manor extendeth, be omitted, nothing of the Manor in that Town paſſeth, 5.E.4.103.

A Caſtle or Hundred. Manor. Caſtell.

A Caſtell or an Hundred, may be parcell of a Manor, and paſſe by the name of the manor, whereof they be parcell 26.Aſſ.54. And one Manor may be parcell of another 2.E.3.fo.36. And a Caſtell may be demanded by his proper name: as de Caſtello de B.cum pertiñ 1.E.3.fo.4.

Hundred.

An Hundred may be demanded by it ſelfe: as de Hundredo de S. 27.H.6.fo.2.

A Meſſuage.

Meſſuagium is a dwelling houſe. By the name of a Meſſuage, may paſſe a Curtelage, a Garden, an Orchard, a Douehouſe, a Shop, a Mill, as parcell of an houſe, Bracton li.5. c.28. Sect.1. Plo.fo.169. 171. 170. The like of a cottage, a toft, a chamber, a celler, &c. yet may they be demanded by their ſingle names.

A Chappell. A Hoſpitall.

A Chappell or an Hoſpitall muſt be demanded by the name of a Meſſuage, 13.Aſſ.2.

A Toft.

A Toft is the place wherein a Meſſuage hath ſtood.

A Curtelage.

A Curtelage is a garden, or a yard, or fold, or a piece of void ground lying neare and belonging to a Meſſuage, Plowd.

A Mill.

Molendinum is good without adding ventriticum, or aquaticum: albeit the latter be more vſuall, 44.E.3.fo.13.

A Reverſion.

Of a Reverſion, by the name of the Land, or otherwiſe, 43.E.3.22.

Land

Land is to be demanded by the certaine measure of the superficiall quantity thereof: hida, carucata, bovata, virgata, acra, roda terræ. Land.

In like manner boscus, subboscus, bruera, mora, juncaria, mariscus, & alnetum, & ruscaria, may be demanded by the number of acres thereof, 16. Ass. 9.

Turbarie may be demanded by the name of More.

Rent by the multitude and number of the things which are to be rendred: as, x. libr̃, or sex denar̃, or uno obular̃, or quinque solidat̃ reddit̃. Rent.

Housebote, Haybote, and Plowbote, may be demanded by the name of Estovers; thus, de rationabili estoverio in boscis, viz. in decem acr̃ bosci ipsius A. in D. &c. Estovers.

Parsonages, Rectories, Advowsons, Vicarages, or Tythes impropriate, passe not by the names de Advocatione Ecclesiæ, but de Rectoria Ecclesiæ de S. cum pertiñ. A Parsonage.

But when it is but of a Presentation, it must be de Advocatione Ecclesiæ de S. and not cum pertiñ. A Presentation

And of all Vicarages endowed, the writ must be de Advocatione Vicariæ ecclesiæ de S. and not cum pertiñ. A Vicarage.

And where no Vicarage is endowed, it passeth under these words, de Advocatione ecclesiæ de S. &c.

If an entier manor, messuage, or other entier thing, be diuided or parted, & after a fine is to be leuied of some of the parts of the thing so seuered, then must not the fine be de medietate, or quarta part̃, or other part, of the manor, mesuage, or other thing, but such part must be demanded by the name of a whole thing. As, if the manor of D. be diuided into 2 parts, the fine of thone part (if the diuision be so made, that the manor of that part be not extinct) must be de maner̃ de D. So if a messuage & xx. acres of land be parted into 2 parts, the fine of the one part must be de uno mesuagio & decem acr̃ terræ. &c. and not de medietate unius mesuagii, & 20. acrarum terr̃: for the things new diuided from the rest, are now become whole things by themselues, though lesse in quantity then the whole was before diuision thereof made. Parts severed.

If a thing be twice named in a writ of Couenant, it hurteth not: as a Manor and an Hundred parcell of the same manor, 27. H. 8. 2. Twice named.

If lands in diuers Shires passe, there must be seuerall writs of Covenant thereof accordingly, and but one Concord, Dyer 227. pla. 44. 15. E. 4. 33. Divers shires.

Of the names of the place wherein the lands doe lie.

AND the place wherin the lands doe lie, is taken to be parcell of the name thereof: and therfore we must regard the places wherin the lands do lie, as the Shire, Town, Parish, or Hamlet: for a fine is gwo Sect. 27. Place.

in

Hamlet. Towne decayed.

in a Hamlet, 38.E.3.fo.19. 8.E.4.fo.6. and 7.E.6. Br. Fines 44. and 91. or in a Towne decayed, 7.E.6. Br. Fines 91.

Neuertheleſſe, it is alſo good to name the Town wherein the hamlet is, as it ſeemeth, and that with addition, for diſtinction, if there be diuers Townes of the ſame name in the ſame County.

A Manor in divers townes.

And if a Manor extend into diuers Townes: as, A.B.C. it is good to expreſſe all, or none: as, de Manerio de S. in A.B.C. for if any of the Townes be omitted, none of the Manor in that Towne paſſeth. Yet a fine of a Manor cum pertineñ would haue carried the whole Manor, 9.E.4.6.

Two Manors of one name.

But if a man haue diuers Manors of one name: as, South S. and North S. it is good, in a Writ of one of the ſame Manors, to expreſſe certainly which of them is intended to be paſſed, 47. E. 3. 12. H.7.6. Albeit it is thought good enough by the name of the Manor of S. without addition: for certainty is alwaies beſt.

How ſeuerall things muſt be placed in Writs of Covenant.

Sect. 28. Orderly placing.

NOw, that we haue partly learned, of what things Fines may be leuied, and by what names, it ſeemeth time to ſhew, in what order and forme they muſt be therein placed one before another, when diuers things paſſe by one Writ, for which we may obſerue theſe rules.

Worthieſt.

Firſt, the more worthy things muſt be put before the things leſſe worthy: as a Meſſuage is ſet before a Land, a Manor before a Meſſuage, a Caſtle before a Manor, 7.H.6.39. Plo.168, 169.

Things generall.

Secondly, things generall before things ſpeciall: as Land (being the generall, or genus to meadow, paſture, wood, Juncaria, mariſcus) is firſt to be placed: And wood (being the generall to wood grounds, as alnetum, ſalicetum, &c.) is to be ſet before them in the Writs.

Whole things.

Thirdly, entire or whole things are to be ſet before their parts: as de Manerio de C. & medietate Manerii de B. cum pertineñ, &c.

Parts. Things excepted.

Fourthly, parts of things excepted, muſt ſucceed thoſe things out of which they be excepted. And if there be diuers parcels in one Writ, that parcell, out of which the exception is to be made, ought to be laſt placed, Regiſt. fo. 6. as, de Manerio de D. cum ptiñ in C. (excepto uno meſſuagio, duabus acris terræ, & advocatione Eccleſiæ de C. &c.)

Pertinentiæ.

And euery thing excepted ought to be certainly named. It needeth not to ſay cum pertiñ after the thing excepted, 40.E.3.25.

And the exception muſt alwaies be of ſuch things, whereof the writ will lie, and be mentioned therein, Plo. fo. 361.a. 362.b. 370.a. Reg. fo. 228, 229. of which for the preſent, view the enſample enſuing: viz.

Præcipe A.B. quod teneat C.D. convenc', &c. de uno meſſuagio, uno cotagio, & medietate unius meſſuagii, & decem acraſ terræ

terræ cum pertin', excepta una acra terræ in N.&c.

And finally the forme and order of placing the particulars in a writ of Couenant, is in all things as in a Precipe quod reddat of lands. Regula.

And further, obserue the rule of the Register fol. 2. which partly appeareth in these verses ensuing.

suagium, tum lendinum, umbare, dinũ, ra, tum, tura, cus, ra, Regula.
Mes, toft, mol, col, gal, ter, pra, pas, bos, breve, mora.

ria, cus, tum, caria, ditus,
Iunca, maris, alne, rus, red, sectare priora.

The writ of covenant must beare Teste before the writ of Dedimus potestatem, 35. *H.* 8. Br. fine 116. Writ.

Of Adiuncts proper to the Writs whereof Fines be levied.

OF Adjuncts proper to writs of Couenant, and other writs vpon which fines be vsually leuied, some be internall Adjuncts, and some externall. Sect. 29.

Adjuncts internall, be the dayes of returne, and the date or Teste of the writ which be also common to other writs. Adjuncts internall.

In the Returne it is to be obserued, that there be 15. dayes at the lest betweene the Teste, and the day limited for the returne thereof, 12. *E.* 4. 11. Returne.

The Teste or date must not be vpon any Sunday, or other festiuall day, which is not dies juridicus in Court. Teste.

Externall Adjuncts to writs be, the writting, the Latine, the affidauit, or composition, the signing, and the payment of the fine, and returning, which be in like manner to other writs. Externall. Writing. Rasing. Interlining.

Touching the writting therof, it is meet to be faire written without rasing or interlining of any principall matter therein, for such rasing or interlining will ouerthrow the writ in some cases, 45. *E.* 3. 18.

Also it behoueth that there be no false Latine in any such Writs, 7. *H.* 6. 34. False Latine.

And therefore such writs should heedfully bee examined twice or thrice ouer, for feare of errors. Examination of writs.

The forme vsed in the returning of such writs will appeare amongst the presidents, for the returnes are nothing else but the Sheriffes answers touching that they are commanded to doe by the same writs. Returnes.

Vpon what writs fines may be leuied.

For so much as no fine can bee leuied but vpon some originall writ, Stat de finibus 18. *E.* 1. we are now to consider vpon what originall Originals.

writs fines are leuiable.

Covenant. A writ of Covenant is the most vsual writ wherupon fines are leuied Fitz.Nat.bre.f.146.f.35.*H.*8.Br.fines 116.Carliel ſtat. 15.*E.*2.

Warrantia cartæ. Yet may fines be leuied vpon a Writ of Warant cartæ, 18.*E.*4.22. Carliel. ſtat. 15.*E.*2.

Meſne. Or vpon a Writ of Meſne, 18.*E* 4.2.

Cuſtomes and ſervices. Or vpon a Writ de conſuetudinibus & ſervitiis, 22. aſſ. p. 37. Paſ. 14 El. Dyer fol. 179 pla 46.

Right. Or vpon any Writs of Right, 7.*E.*3.f.335.Plow.f.358.

Without originall. Yet Tremayle Iuſtice holdeth, that if in a Præcipe quod reddat againſt the tenant for life, which maketh default, after default, he in the reuerſion or remainder be receiued, a fine may be leuied of the land betwéene the demandant and him in the reuerſion or remainder, Ideo Quære, 21.*E.*4.4.

Quod permittat. A fine may be vpon a Writ Quod permittat habere chiminum ultra terram le Cogniſor, 2.*E.*3.19. Fitz. Fines 102.

The ſeverall formes of Concords.

Sect. 30. A Concord is the verie agréement betwéene the parties how the lands ſhall paſſe, in the forme whereof many things are to be regarded: As if it be ſingle, whether it be ſur cogniſance de droit come ceo que il ad de ſon done, Or ſur grant, done, releas, or confirmation. Or if it be a double fine with a render, what eſtates are to be created thereby, and of the reuerſion of Rents nomine pœnæ, and clauſe of diſtreſſe and ſeruices, with the clauſe of warrantie. For which it is to be noted, that when a fine is leuied to diuers Cogniſées, the right ſhal be limited to one of them onely, and the ſtate limited to his heires onely whoſe right it is knowledged to be, 3.*H.*6.42. 21.*E.*3.33. 34.*E.*3.11. 24.*E.*3.64. as thus.

Et eſt concordia talis, ſcilicet qd p̄dictus A. cogn' teñ p̄dict' cum pertin' eſſe jus ipſius B. ut ill', quæ iidem B. & C. hēnt de dono p̄d A. Et ill' remiſit & quiet clam de ſe & heredibus ſuis p̄fatis B. & C. & heredibus ipſius B. &c.

But the Kings tenant in capite may knowledge the right of his lands to be in diuers for the Kings benefit, in hauing many ſuch tenants in capite, 7.*H.*7.4.

And likewiſe the releaſe and warrantie muſt be from the heires of one of the Cogniſors, 44.*E.*3.21. for in a fine from diuers, the fée muſt be ſuppoſed to be in one of them onely, 21.*E.*3.33.

In a fine ſur grant & render, none can take the firſt eſtate vpon the render, but ſome of the Cogniſors, but reuerſions or remainders any eſtranger may take: For if A. knowledge a fine to B. and B. render to the ſaid A. habendum ſibi & *E.* uxori ejus, and the heires of their bo-

dies

dies, &c. by this fine E. muſt haue none eſtate, becauſe ſhe is not named in the writ, 24. *E.* 3. 27. 30. *H.* 8. Br. Fines 108. 7 *E.* 3. 63.

And a man cannot by fine by way of remainder reſerue a leſſe eſtate to himſelfe then fée: And therefore if A. knowledge a fine to B. in fée, and he render to A. in taile, the remainder to himſelfe in life, this remainder is void, for A. had fée ſimple before, 24 *E.* 3. 28. 14. *H.* 4. 31.

And a Concord cannot be of any other thing then is contained in the writ of Couenant, and not of a forrein thing, if it be not conſequent: As in a writ of land, rent, common, &c. may be rendred iſſuing out of it, 18 *E.* 4. 22.

And a Concord may be with an exception of ſome part, 44 *E.* 3. 21.

If a man will, he may make a Jointure by fine thus: If J. leuie a fine to A. in fée ſur cogniſance de droit come ceo, &c. and after A. render to J. for life without impeachment of waſt, the remainder to B. his wife for terme of her life, the remainder to J. and his heires, 38. *H.* 8. Br. Fines 108.

The manors and tenements contained in the writ may be diuided: As if a fine be leuied betwéen R. & M. of two manors, which M. knowledgeth all his right of the ſaid two manors to be the right of the ſaid R. as that which, &c. for which R. granteth and rendreth the one manor to M. for life, with two parts of the other manor, which M. holdeth in dower, To haue the one manor, and two parts of the other manor, to M. for life, the remainder after her death to R. in taile, & that after the death of A. the third part ſhal remain to another, 43. *E.* 3. 11. 45. *E.* 3. 12.

And in like maner a fine is leuied of the manor of G. cum pertinen̄ by A. vnto C. which A. knowledgeth the right in C. as that, &c. and C. granteth and rendreth the ſame to A. in taile, The remainder of the fourth part of the manor towards the Weſt to the ſaid A. and her heires, the remainder of another fourth part towards the Eaſt to J. in fée, the remainder of another fourth part towards the South to one R. in fée, and of the other fourth part towards the North to W. and his heires, it is good, 44. Aſſ. p. 11. Or incertainly by three third parts to A. B. and C. in remainder ſeuerally, 18 *H.* 7. Br. Fines 111.

A fine leuied to one in taile vpon condition with remainder is holden to be good, 27 *H.* 8. 24. Plowd. 34. b. 24. *E.* 3. 62. Contra p Priſot, 33 *H.* 6. 52. and 44 *E.* 3. 22. But a fine with a reentrie was rejected, 44 *E.* 3. 22.

A leaſe for yeares may be made by a fine in this forme: The leſſée muſt knowledge the tenements to be the right of the leſſor, as that, &c. and then the leſſor muſt grant the lands back againe to the leſſée for ſo many yeares as are agréed vpon, reſeruing a rent with a clauſe of diſtreſſe: But this fine will not bind the iſſue in taile, becauſe he taketh

by the fine but giueth nothing therby, Br. Fines 106. tempore *H.*8.36. *H.*8. Br. Fine. 118. Plow. 455. 14. Eliz.

Or a leafe for yeares may be made by fines to bind the Tenant in taile, thus: The tenant in taile and the leffée to knowledge the tenements to be the right of an eſtranger, as that, &c. and the Cogniſée to grant and render the tenements to the leffée for certaine yeares yéelding a rent with a clauſe of diſtreſſe, and then grant the reuerſion to the tenant in taile, 39. *H.*8. Br. Fines 118.

If an eſtranger, which hath nothing in the lands, leuie a fine to him in the remainder in taile dependant pur eſtate pur vie, ſur cogniſance de droit come ceo que il ad de ſon done, &c. and the Cogniſée by the ſame fine render to the Cogniſor for yeares, de commencer al Mich. enſuant, and dieth, and all the proclamations are made after his death, The tenant for life after ſuch time as the ſaid leaſe is limited to begin dieth, it is adjudged a good leaſe to bar the iſſue in taile for the terme, 14. Eliz. Plowd. 437. b. inter Smyth & Stapleton, which ſéemeth contrary to the opinion before, Br. Fines 106. 118.

A. by fine granteth his tenements, which J. holdeth for life, and which after his deceaſe, &c. to W. for life, rendring rent &c. with a diſtreſſe, ſauing the Reuerſion, 44 *E.*3.45.

Fine ſur cognizance de droit come ceo, &c. is leuied to A. in fée rendring rent, this reſeruation is void, becauſe the fine is executed, for no reſeruation can be but of a fine executorie, as ſurrender, 50. *E.*3.9.14. *E.*3.26.29. *E.*3.1.

And if diuers ioyne in a fine, the warrantie muſt be by the, and the heires of one of them which is the owner of the land, 44. *E.*3.1.21. *E.*3. 27.42. *E.*3.13.24 *E.*3.66. Contr̃ ſur terres de Gavelkind. ibm̃.

A particular tenant, as for life, &c. cannot ſurrender his terme to him in the reuerſion or remainder by fine: But he may grant and releaſe it to him by fine, 44. *E.*3.36.

One Concord may be of lands in ſeuerall Counties, and the fine pro licen' concord' of al extracted entirely: Yet muſt there be ſeueral writs of Covenant, returnable all at one day, 6. El. Dyer fol. 227. pl. 43. 15. *E.*4.33.

And finally in Concord, all the ſpeciall names of things contained in the writ, whereupon the fine is leuied, are not to be rehearſed, But onely the generall words therein mentioned: as Manor, Tenements, rents, aduowſon, common, &c.

As where the writ is de uno meſſuagio, uno gardino, uno pomario, decem acr̃ terræ, v. acr̃ prati, x. acr̃ paſturæ, iiii. acr̃ boſci, & communia paſtur̃ cum pertiñ in C. &c.

The Concord hath, Recogñ teñta & coñ prædictam cum pertinentiis

tinentiis esse jus &c. **But the examples following will more plainely expresse this, and all the differing forms of Concords here before mentioned.**

A writ of Covenant of three messuages, and of common pasture.

PRæcipe &c. de tribus messuag' &c. cum ptiñ in D. & T. & de communia pastur' ꝑ omnib' & omnimodis averiis, ac de past', ꝑ 400. ovibus cum ptiñ in D. in parochia de C. Et nisi &c. Sect. 31.

Of one messuage, one curtilage, one garden, of rent, and of sheepewalke.

PRæcipe &c. de uno messuag', una curtilagio, uno gardino &c. ac 5. ſ. reddit' cum pertiñ' in F. Necnon de libert' unius faldagii & cursu ovium cum pertiñ in F. Et nisi &c. Sect. 32.

Of Wood, & Foldage.

PRecipe &c. de cent' acris bosc' cum pertiñ in N. ac de libertate faldagii pro 40. ovibus cum pertin' in S. Et nisi &c. Sect. 33.

Of Wood.

PRecipe &c. de &c. & quatuor virgat' bosc' &c. in parochiis de B. & L. &c. Sect. 34.

Of 2. parts in 3. parts divided of 8. acres of land, of pasture, acres of reed, and fresh and marish land.

PRecipe &c. de duabus partibus in tres partes dividend' 8. acr' terr', 40. acr' pastur' 40. acr' arundinarum, 10. acr' mariſci friſci, & mariſci salsi cum pertinentiis in D. &c. Et nisi &c. Sect. 35.

Of a Parsonage impropriate, and of the moitie of the tithes.

PRecipe &c. de Rector' impropriat' de H. cum ptiñ ac de medietat' omnium decimarũ, granor', bladorũ, garbar', & fœni de terr' vocat' **le B. Lands** cum pertiñ in H. pred' &c. Et nisi &c. Sect. 36.

Of a Manor of rent, and of Free folding for sheep.

PRecipe &c. de manerio de &c. & decem solid', redd', ac de liber' faldagio ovium cum ptiñ in R. & de Hundred de L. Et nisi &c. Sect. 37.

A Writ of Covenant by one of the Kings Secretaries of the 3. part of 1. messuages, 4. cottages, one mill, gardens, orchards, lands, meadow, pasture, moore, turbarie, and rent, the 3. part of the view of frankepledge, of goods, and cattels waived, felons, fugitives put in exigent, felons de se, deodands, treasure found, extrahur, and of the third part of a parsonage.

PRecipe VV. S. militi dño M. quod ten'. R. C. militi, principal' Secretar' dom̃ Regis convenc' &c. de tertia part' 4. messuag', 4. cotag' unius molendin', 10. gardiñ, 10. pomar', 200. acr' terræ, 200. acr' prat' 200. acr' pastur', 30. acr' moræ, 30. acr' turbar', & 5. s. redd' cum pertiñ Sect. 38.

by the fine but giueth nothing therby, Br.Fines 106.tempore *H.*8.36. *H.*8,Br.Fine. 118.Plow.455.14.Eliz.

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Of Wood.

PRecipe &c. de &c. & quatuor virgat' bosc' &c. in parochiis de B. & L. &c. Sect. 34.

Of 1. parts in 3. parts divided of 8. acres of land, of pasture, acres of reed, and fresh and marish land.

PRecipe &c. de duabus partibus in tres partes dividend' 8. acr' terr', 40. acr' pastur' 40. acr' arundinarum, 10. acr' marisci frisci, & marisci salsi cum pertinentiis in D. &c. Et nisi &c. Sect. 35.

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Of a Manor of rent, and of Free folding for sheep.

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PRecipe VV. S. militi dño M. quod ten'. R. C. militi, principal' Secretar' dom̃ Regis convenc' &c. de tertia part' 4. messuag', 4. cotag' unius molendin', 10. gardiñ, 10. pomar', 200. acr' terræ, 200. acr' prat' 200. acr' pastur', 30. acr' moræ, 30. acr' turbar', & 5. ſ. redd' cum pertiñ Sect. 38.

in A.B.C.D.ac de tertia parte Viſ. franci pleg', bonoꝝ et catallorꝝ, waviaꝝ, felon', fugitivoꝝ, utlagaꝝ, in exigen' poſitorum. felon' de ſe, deodandꝫ, theſauꝝ inventꝫ, ac extrahuꝝ cum pertinenꝫ in M. &c. Necnon de tertia parte Rectoꝝ eccleſiæ de K. cum pertꝫ. Et niſi, &c.

A Writ of Covenant of Tythes.

Leic. ff. Sect. 38. PRecipe T. N. Militꝫ, qd ten' T.P. convenc', &c. de ꝓficuis granoꝝ, fœni, lanæ, & agnoꝝ, ac de omnimod aliis decimis cum pertinentiis in M. Et niſi, &c.

A writ of Covenant, of the Scite of a Monaſterie, of Meſſuages, of Common, of paſture for all manner of beaſts, of rent, and rent of hennes, and rent work.

Derb. ff. Sect. 39. PRecipe A.B. qd ten' C.D. convenc' de ſcitu Monaſt. de B. cum pertiñ, ac de xx meſſuag', &c. ac de comñ paſturꝫ ꝓ omnib' animal', ac de 100 s. reditꝫ, ac de reditu C. gallinarꝫ, & C. operꝫ cum pertin' in E. & F. Et niſi, &c.

¶ Et eſt concordia talis, ſcz. qd predict' A. B. recognovit pred. ſitum tenꝫ, communiam paſturꝫ, & redd cum pertꝫ eſſe ius ipſius C. ut illꝫ, &c. (cum relax' & warrantꝫ, &c.)

A Writ of Covenant againſt the father and the ſonne and heire apparant, of cottages, tofts, barnes, water-mills, of one wind-mill, dove houſes, Gardens, Orchards, Land, meadow, paſture, wood, mariſh, furres, heath, moore, rent, halfe a pound of pepper, of mine of coale and the advowſon of a Church.

Linc. ff. Sect. 40. PRecipe F. M. armig', &c. & T. M. filio & hæred' apparentꝫ ejuſdem F. qd ten' F.F. & N.R. gentꝫ convenc' &c. de manerꝫ de T.S. & H. juxta N. ſuper Trentam, Ac de 40 meſſ. 20 cotag', 40. toft', 30 horreis, 2 molendꝫ aquatic', uno molendꝫ ventritico, 3 columbaꝝ, 40 gardin', 40 pomaꝝ, milꝫ acꝝ terræ, mille acris prati, mille acꝝ paſturæ, 500 acris boſci, 100 mariſ. 100 jampn' & bruer', 100 acr' alneti, 100 acr' juncar', 500 acr' moræ, 4 libr' reddiꝫ & redꝫ dimidꝫ unius libræ piperis cum pertꝫ in & S. Necnon de Advocac' Eccleſiæ de T. & H. Et niſi, &c.

A Writ of Covenant of Diſmes and Tythes.

Notting. ff. Sect. 41. PRecipe D.E. quod, &c. teneat R.Y. Armig', convenc' &c. de decimis garbarum, granorū, & fœni cū ptiñ in R. & W. Ac de decima fœni in V. Necnon de decimis lanæ, agnor', oblationū, obventionū, & emolumentorū, &

& de omnibus aliis decimis quibuſcunque, venien, creſcen, & tenovañ in W. pred'. Et niſi, &c.

A writ of Covenant againſt the husband and the wife of a Parſonage, and of the advowſon of a Vicarage, and of meſſuages, cottages, barnes and gardens.

PRæc' T. B. & A. uxori ejus quod ten C. W. armig' convenc' &c. de Rectoria de L. ac de advoc' vicar de L. ac de decem meſſuag', x. cot, x. horr, x. gard, &c. cum ptin in L. pd. Et niſi, &c. Sect. 42.

Præc', &c. p juſte, &c. de x. meſ. &c. in W. Necnon de Rectoria eccleſ. de G. & de decim granr, fœni, lanæ, agnor, & omnium aliar decimarum quacumcunq; in G. pred'. At etiam de advoc' Vicar eccleſiæ de G. pred' cum pertinentiis. Et niſi, &c.

A fine knowledged by one to two perſons, of ſixe meſſuages, with warrantie againſt him and his heires.

Surr. ff. PRecipe W. W. p juſte, &c. ten I. L. & A. P. con, &c. de ſex meſſuag' &c. cum pertin in C. W. & E. &c. Et niſi, &c. Sect. 43.

Et eſt concordia talis, ſc. p pred' W. recogn pred' tenementa cum ptin eſſe jus ipſius I. ut illa quæ iidem I. & A. habent de dono pred' W. Et ill' remiſer & quiet clam de ſe & hered' ſuis pred' I. & A. & hered' ſuis imperpetuu. Et præterea idem W. conceſſit p ſe & heredibus ſuis, quod ipſe warrant pred' I. & A. & hered' ipſius I. pred' tenementa cum pertin contra predict. W. & hered' ſuos imperpetuum. Et p hac, &c.

A fine by the husband and wife to two, of meſſuages, toftes, lands, meadowes, paſtures, and rents, with warrantie againſt the Conuſor and his heires.

Surr. ff. PRecipe I. T. & A. uxori eius, p juſte, &c. ten W. R. & R. D. convenc' &c. de quatuor meſſuag', quatuor toftis. xl. acr terræ, xx. acris prati, 120. acr paſtur, & quinque ſolid' & 4. denar reddit cum pertin in S. Et niſi, &c. Sect. 44.

Et eſt concordia talis, ſcilicet, quod prædict' I. & A. recogn prædictum tenementum cum pertinentiis eſſe jus ipſius W. ut illa quæ idem W. & R. habent de dono prædictorum I. & A. Et ill' remiſer & quiet clamaver de ipſis I. & A. & heredib' ipſius I. præfat W. & R. & heredibus ipſius W. imperpetuum. Et præterea iidem I. & A. conceſſerunt p ſe & heredibus ipſius I. quod ipſi warrant pdictis W. & R. & hered' ipſius W. pred' tenitum cum pertin contra pred. I. & A. & heredes ipſi' I.

imperpetuum. Et pro hac recogñ, remiſſione, quiet clamat, warrant, fine, et concord, iidem W. et R. dederũ ꝑd I. et A. ducentas et quadragiꝯ libr. ſterlingorum.

A fine by two, and the wife of one of them, of land, meadow, paſture, and of Wood, with warrantie againſt the Conuſor and his heires.

Sect. 45. *Lincoln. ſs.* PRecipe R.B. gen, et T.R. et M. uxor. ejus quod teñ T. B. geñ convenc' &c. de triginꝯ acr terræ, duabus acr prat tribus acr paſturæ et ſex acris boſc', cum pertinentiis in C. Et niſi, &c.

Et eſt concordia talis, ſcz. quod ꝑd R.T. & M. recognoverunt tenementa ꝑd cum pertiñ eſſe jus ipſius T.B. ut illa quæ idem T. habet de dono præd R.T. et M. Et ill' remiſerũt et quiet clamaverũ de ipſis R.T. et M. et hered ipſius R pref. T.B. et hered ſuis imperpetuum. Et preterea iidem R.T. et M. conceſſerũ pro ſe et hered ipſius R. quod ipſi warrañ tñta pred cum pertiñ prefat T. B. et hered ſuis contra ꝑd R.T. & M. et hered ipſius R. imperpetuum. Et ꝓ hac, &c.

A fine by one and his wife, to one, of the reverſion of the 3. part of 7. meſſuages of gardens, lands, meadow, paſture, and wood after the death of one, with warrantie againſt the Conuſor and his heires.

Sect. 46. *Surr. ſs.* PRecipe T. W. & K. uxori ejus, quod juſte, &c. teneant G.S. convenc' inter eos fact' de 3. parte 8. meſſuag', 7. gardiñ, 40. acr terr, 10. acr prat, 20. acr paſtur, quinquaginꝯ acr boſc' cum pertiñ in A.B.C. & D.

Et eſt concordia talis, ſcz. quod ꝑd T. & K. recogñ tertiam ꝑtem ꝑd cum pertiñ eſſe jus pred G. & conceſſ. qd eadem tertia pars cum ptiñ, q M.B. vid tenet ad terminum vitæ ſuæ de heredit ipſius K. die quo hæc concordia facta fuit, et quæ poſt mortem ejuſdem M. ad ipſos T. et K. reverti debuit, remañ pref. G. et hered ſuis imperpetuum. Tenend, &c. Preterea idem T. et K. conceſſ. pro ſe et hered ipſius K. qd ipſi warrant ꝑf. G. et hered ſuis tertiam partem ꝑd cum pertiñ ſicut pred eſt contra ſe & hered ipſius R. imꝑpetuum. Et pro hac, &c.

A fine by a Lord Baron and his wife, to an Archbiſhop and one other, of three manors, meſſuages, toftes, cotages, milles, barnes, gardens, land, medow, paſture, wood, furres, and heathes, of rent, of the advowſon of a Church, and of the view of francke pledge, with warrantie againſt them and their heires.

Sect. 47. *Midd. ſs.* PRecipe I. L. Militi dño L. et I. uxori ejus, quod juſte et ſine dilatione teneant Reverendo in Chriſto patri T.Y. permiſſione

permiſſione divina Archiepiſcopo Ebor' Angliæ primati, & G. L. convenc' inter eos fact' de maneriis de R. K. & M. cum pertiñ, ac de quinquaginț meſſuagiis, quingentis toftis, ducentis cotagiis, ſex molend', quingentis horreis, quingentis gardiñ, quinq; mille acris terræ, mille acris prat', ſex mille acræ paſturæ, mille acris boſci, decem mille acris jampnorum & bruer' ac de quingent' libr' reddit' cum pertin. in R.C.A. alias S.T.V.W. & E. Ac de Advocatione Eccleſiæ de E. pred', Ac de viſu franci pleg' de R. C. & A. pred'. Et niſi, &c.

Et eſt concordia talis, ſc. quod prædict' I. L. Miles, dominus I. & I. uxor' ejus recogñ maneria, teñta, redditus, advocationem, & viſ. franc' pleg. predict' cum pertineñ eſſe jus ipſius T.Y. Archiepiſcopi Ebor', ut il' quæ idem T.Y. Archiep̃us & G. & L. habeant de dono pred' I.L. & I. uxor' ejus. Et ill' remiſer' T.Y. Archiep̃o & G.L. & hæred' ipſi⁹ T.Y. Archiep̃i imperpetuum. Et ulterius iidem I.L. & I. uxori ejus conceſſ. pro ſe & hered' ipſius L. quod ipſi warrantizabunt maner', teñta, reddit, advocac', & viſ. franci pleg. p̃d' cum p̃tiñ pred' T.Y. Archiep̃o Ebor', &. G.L. & hered' ipſius T.Y. Archiepiſcopi contra omnes homines imperpetuum. Et pro hac, &c.

A fine by two to one, of manors, milles, houſes, rents, and common of paſture, with warrantie againſt the conuſors and the heires of them.

ET eſt concordia talis. ſc. q̃ p̃d' A. & B. recogñ p̃d' maner', molendiñ, columbar', teñt, comm̃ paſtur' cũ pertiñ eſſe jus ipſius C. vt ill' q̃ iidem C. & D. habent de dono ipſorũ A. & B. Et ill' remiſer' & quiet' clam̃ de ſe & hered' ipſius A. pred' C. & D. & hered' ipſius C. imperpetuũ. Et preterea idem A. conceſſit p̃ ſe et hered' ſuis q̃d ipſi warrant' p̃d' C. & D. & hered' ipſius C. p̃d' maner', molend', columbar', teñt, reddit, communiam paſtur' cum pretiñ contra ſe & hered' ſuos imperpetum. Et ulterius idem B. conceſſit, p̃ ſe & hered' ſuis, &c. (*ut ſupra.*) Sect. 48.

A fine by one and his wife to one of one manor, of meſſuages, toſts, cottages barnes, one water mill, a fulling mill, a winde mill, a dove houſe, gardens orchards, land, meadow, paſture, wood, furres, heath, moore, freſh and ſalt mariſh, rent, free fiſhing, the advowſon of a Church by turnes, with a generall warrantie.

Devon. ſſ. PRecipe I. H. & V. uxori ejus quod juſte, &c. teñ R. P. generoſ. conventioñ. de manerio de B. cum pertiñ, ac de viginti meſſuagiis, duobus toftis, ſex cotagiis, 4. horreis, uno molend' aquatico, uno molendino ventritico, uno colum- Sect. 49.

columbario, viginti gardinis, decem pomariis, centum acr̃ terræ, centum acris prati, mille acris paſtur̃, decem acris boſci, viginti acris ſaliceti, cetum acr̃ jampnorum & brueræ, viginti acris motæ, viginti acris turbariæ, triginta acris moſſet̃, ſex acris juncar̃, xx. acris mariſci friſci, & xx. acris mariſci ſalſi, duobus acris alneti, x. marcis reddit̃ cum pertiñ in B.C. & D. Necnon de liberis piſcar̃ in aquis de B.C. & D. Ac de ſeperali piſcar̃ in aqua de S. Necnon de advocatione eccleſiæ de B. alternis vicibus cum acciderit. Et niſi, &c.

Et eſt concordia talis, ſc. ꝙ pred̃ I. & V. recogñ maneria & tenementa, reddit̃, & libr̃ piſcar̃ pred̃ cum pertiñ ac advocationem prædictam eſſe jus ipſius R. ut illa quæ idem R. habuit de dono prædictorum I. & V. Et illa remiſit & quiete clam̃ de ipſis I. & V. & hered̃ ipſius I. prædict' R. & hered̃ ſuis imperpetuum. Et præterea idem I. & V. conceſſerunt pro ſe & hered̃ ipſius I, quod ipſi warrant̃ prædicto R. & hæred̃ & aſſignatis ſuis pred̃ maner̃, tenementa, redd̃, & libr̃ piſcar̃ cum pertiñ, ac advocac' pred̃ contra omnes homines imperpetuum. Et ꝙ hac recognitione, remiſſione, quiet̃ clam̃, warrant̃, fine, & concordia, idem R. dedit predictis I. & V. xl. li.

A Fine by one de honore D. caſtro vicecomit' de S. cum hundred', inſula de D. baronia de D. hundredo de D. burgo de D. uno feod' milit' de D. Scit', ambit' & precinct' of a Monaſtery, a Manor, the ſcite of a Manor, a Grange, a Parke, a Prebend, one capitall Meſſuage, Moſſes, Tofts, Cottages, a Dove-houſe, a Fulling-mill, a Water-mill, a Winde-mill, and of divers other things.

Sect. 50. HÆc eſt finalis, &c. Anno regni, &c. coram, &c. Juſtic' & alii domini Reg. fidelibus tunc ibidem præſentibus, inter I. A. quer̃ & M. B. defore' de honore D. caſtro vicecomitat̃ de S. cum hundred̃ membris & pertiñ ſuis, Inſula de D. Baronia de D. hundred̃ de D. Burgo de D. uno. feod̃ milit̃ in D. Scit̃, Ambit̃, & Precinct' nuper monaſterii de D. manerio de D. cum pertiñ, Scit̃ manerii de D. grangia de D. parco de D. prebend̃ de D. uno capitali meſſ. 2. meſſ. 2. toftis, 2. cottag', 1. columb. 1. molendino fullonico, 1. molend̃ aquatico, 1. molend̃ ventritico, 1. molend̃ granat̃, 1. molend̃ bladar̃, 1. horreo, 1. gard̃ in', 1. pomar̃, 10. acr̃ terr̃, 10. acr̃ prati, 20. acr̃ paſturæ, 4. acr̃. boſci, 40. acr̃ jampnor̃ & brueræ, 30. acr̃ moræ, 50. acr̃ mariſci ſalſi, 9. acr̃ mariſci friſci, 30. acr̃ turbar̃, 9. acr̃ juncar̃, 6. acr̃ alneti, 6. acr̃ moſſeti, 4. acr̃ terr̃, aqua coopert̃, communia paſtur̃ pro omnibus vel omnimod̃ animalib', pro 100. ovibus, 10. equis, vaccis, porcis, ſpadonibus, &c. libera warran̄, liber̃

bēr piſcar̄, libertate faldagii, libera falda, ciſio, ſalm̄, plumbar̄, aquæ ſalſæ puteo, viginť libr̄. 10 marcat̄, decem ſolid̄, vno denario, vno obolo, & quadrant̄ reddit̄.

* Ac reddit̄ unius paris Chirothecarum, uni⁹ paris calcarium deaurat̄, ſagitte barbate, uni⁹ par̄ calceorū, uni⁹ vomeris. 1 libere cere, 1 libr̄ piperis, 1 libre cumini, 1 clavi gariophili, 1 ſore rube, 1 acus & fili, 1 quarterii frumenti, 1 quarter̄ ordei, 2 bracei caponum, 40 gallorum, 20 gallinarum, mille ovorum, & aucarū cum pertin̄ in D.

Ac de com̄ paſturæ quam pred' M.B. habet & habere ſolebat pro omnibus averiis ſuis in centum acris paſturæ ipſius I.A. in D.

Ac de omnibus vel omni⁹ oblation̄, decimis granorum, garbarum, fœni, lanæ, lini, canabiſ. procellorum, aucarum, agellorum, &c. & aliis emolumentis quibuſcunque ſpectan̄, pertinen̄, creſcentibus ſive exiſten̄ cum pertinentiis in D.

Ac de theolonio, ſtallagio, picagio, pontagio, infra burgum de D. quodam corrodio unius panis, unius legenæ cerviſiæ ꝑ omn' hominibus in D.

Et de gurgite & curſu aquæ current̄ a loco vocat̄ H. infra & ꝑ terre voc' K. ad molend̄ vocat̄ S.

Wera ſive veda in D. Ac de viſ. franc' pleg' libertate & francheſiis in D. necnon de cuſtod̄ ſive officio cuſtod̄ de B. cuſtod̄ parci & foreſte de D. Ac de officio Seneſcalciæ de D. Balliva ſive officio ballivat de D.

Necnon de Nundinis de D. ſingulis annis ad feſta de. N. M. ibidem tenend̄, Mercat̄ de D. quiet̄ ſive libero paſſagio ultra aquam D. Rectoria de D. Advocatione, preſentatione, donatione, libera diſpoſition̄ & jure patronat̄ eccleſiæ de D. quadam portione decimarum aut pentionum in D.

Necnon de meditat̄ manerii de D. cum pertin̄, & de tertia part̄ tenn̄t̄ de C. in tribus partibus diviſ. Except̄ & omnino reſervat̄ patronagio una cum advocatione Vicariæ Eccleſ. de D. & Capell̄ eidem Rectoriæ annex'. ac omnibus decimis granorum. viſ. franc' pleg', ac omnib⁹ quæ ad viſ. franc' pleg' pertin', wardis, margitagiis, eſchaet̄, catall̄, felonum, waviat̄, extrahur, feloñ, fugitivorum, utlagat̄, attinct' cum ter̄ & tenemen̄t̄ utlagat̄ & waviat quibuſcunque feriis, mercat̄, wrecc' maris, ac tot & tantis juribus, iuriſdict', privilegiis, franchef. & liber̄ ten̄t̄ præd. aut aliquot eorum concern' & eidem M.B. & hæred' ſuis ut de maner̄ de D. ſpectan'.

Unde p̄ conventionis ſummon̄ fuit inter eos in ead. Curia, ſcz. quod præd' M. recognovit prædict' honorem, caſtrum, vicecomitatum, inſulam, Baroniam, Hundredum, Burgum, feod̄, milit̄, ſcitum, Manerium, Parcum, Prebend', tenement', reddit̄, Communiam paſturæ, liberam

liberam warrenam, liberam piſcariam, libertat̃ ſaliñ, plumbarum, bullaꝝ puteum, rectoꝝ, decimas, oblationes, theoloneũ, ſtallagium picagiũ, pontagium, corrop, gurgitem, viſ. franꝝ pleg'; libertates, franchef. cuſtod' officium ſeneſchall', ballivat̃, nundinas, mercatas, feriam, paſſagiũ, wreccum maris, medietatem & tertias partes cum pertiñ: Ac advocationes, preſentationes, liberā diſpoſitionem, jus patron', portion', & pentionem pred̃ eſſe jus ipſius I. Ut illa quæ idem I. habet de dono p̄d̃ M. Et il' remiſ. & quiet̃ clam̃ de ſe & heredibus ſuis pred' I. & hered' ſuis imperpetuum.

Et preterea idem M. conceſſ. pro ſe & heredibus ſuis, qd̃ ipſe warꝝ pred'. & hered̃ ſuis pred̃ honorem, caſtrum, vicecomitatum, inſulam, &c. (ut ſupra) contra ſe & hered̃ ſuos imperpetuum. Et p̄ hac recognitione, fine &c.

A fine of a rent by an Earle and his wife.

Sect. 51. *Notting. ff.* PRecipe I. Comiti H. & dominæ K. uxori ejus Comitiſſæ H. quod juſte & ſine delatione ten' W. C. conuenc' &c. De quadraginta libꝝ' añ reddit̃ exeuntis de maneriis de E. &c. Et niſi &c.

Et eſt concord̃ talis, ſcilicet quod prædict' Comes & Comitiſſa recognoverunt reddit̃ pred̃ cum pertinentiis eſſe jus ipſius W. ut illa quæ idem W. habet de dono p̄dict' Comitis & Comitiſſe. Et ill' remiſer' & quiet̃ clamaver' de ſe & heredibus ſuis præfat̃ W. & hæredibus ſuis imperpetuũ. Et preterea iidem Comes & Comitiſſa cõcedunt pro ſe & heredibus ipſius Comitis, quod ipſi warrant̃ redd̃ cum p̄tiñ prefat̃ VV. & hered̃ ſuis contra omnes homines imperpetuum. Et pro hac &c.

A fine of the third part of a rent by the husband and wife.

Sect. 52. *Suff. ff.* PRecipe R. & I. uxori ejus quod teneant H. C. convenc' &c. de tertia parte quinque libꝝ ſex ſolid̃ & octo denaꝝ reddit̃ cum pertinentiis exeuñ de maneriis de K. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod pred. R. & I. recognoveꝝ tertiam partem pred̃ cum pertiñ eſſe jus ipſius H. ut ill' quam idem H. habeat de dono præd. R. & I. Et ill' remiſeꝝ & quiet̃ clamaveꝝ de ſe & heredib⁹ ipſius I. pref. H. & hæred. ſuis imperpetuum. Et præterea idem R. & I. conceſſeꝝ pro ſe & hered̃ ipſius I. quod ipſi warrant̃ pref. H. & heꝝ ſuis pred̃ tertiam partem cum pertiñ contra omnes homines imperpetuum. Et pro hac, &c.

A Fine of a Parſonage excepting the advowſon of the Vicarage of the ſame Parſonage.

PRec' &c. Coñ, &c. de Rectoria de T. cum pertiñ, excepť Advocatione vicar Eccleſiæ de T. Et niſi, &c. Sect. 54.

Et eſt, &c. quod pd A. recogñ Rectoriam pred cum pertiñ, (excepť præexcepť) eſſe jus, &c. Et ill' remiſ. &c. (excepť pexcepť.) Et præterea idem, &c. conceſſ. pro ſe, &c. quod ipſe warrant prædict' &c. Rectoriã prædict' cum pertineñ (excepť præexcepť) &c.

A writ of covenant brought by three againſt three of one manor, ten meſuages eight cottages, and of land, meadow, paſture, moore, and of rent.

Ebor. PRæc' C. B. & F. uxori ejus quod teñ E. D. & R. coñ, &c. de manerio de S. cum pertiñ, ac de x. meſuag', viii. cotag', CC. acr terræ, CC. acr prati, 160. acr paſturæ, 300. acr moræ, & vi. s. redd cum pertinent in A. F. B. & C. Et niſi fecerint, &c. Sect. 54.

A Concord with a Render for life to the husband and the wife being the conuſors of parcell of manors and lands contained in the writ of Covenant, the remainder to the firſt and ſecond begotten ſonne of the conuſors in taile, and to the heires males, and for default of ſuch iſſue, then to the conuſors in generall taile, and for default of ſuch iſſue, then to the right heires of the conuſors, for ever, with grant and render of ten meſuages, &c. reſidue of the ſame manor, &c. to the ſaid conuſors.

ET eſt concordia talis ſcilicet quod prædictus T. & F. recogñ maner, tenementa, & redd pred cum pertiñ eſſe jus ipſius E. ut ill' quæ iidem E. & R. habent de dono predict' T. & F. Et illa remiſer & quiet clam de ipſis T. & F. & hered ipſius F. præfat E. & R. & hæred ipſius E. imperpetuum. Et preterea iidem T. & F. conceſſer pro ſe & hæred ipſius F. quod ipſi warrant manerium, tenemta, & redd cum ptiñ pfat E. & R. & hæred ipſius E. contra ipſos T. & F. hæred ipſius F. imperpetuum. Et pro hac recogñ. &c. iidem F. & R. conceſſer præf. T. & F. maner de S. pd cũ pertiñ ac x. meſuag' viii. cotag' xx. acr terr xx. acr prati, 160. acr paſturæ, 300. acr moræ, 6. ſolid reddit' cum pertiñ in A. & F præd, parcellas maner, tenementorum, & redd pd. Et ill' eis reddider in eadem curia. * Habendum & tenendum prefat. T. & F. pro termino vitæ ipſorum T. & F. & alterius eorum diutius vivent abſque impetitione alicujus vaſti. Et quod poſt deceſſum prædict' T. & F. & eorum alterius diutius vivent, prædict' parcell maner, tenitorum, & redd pd cum pertiñ remañ primogenito filio de corporibus præd T. & F. inter eos legitim procreat, & hered maſcul de corpore prædicti primogenit filii & legitime procreat. Tenendum, &c. * Et ſi nullus hæres de corpore ipſius primogeniti filii fuer legitime procreat, prædict' parce Sect. 55.

maner

manc̃ t̃entorum, & reddit̃ pred̃ cum pertiñ remañ ſecundo genito filio de corpore pred̃ T. & F. inter eos legitim̃ procreat̃, & hered̃ maſcul̃ de corpore dicti ſecundi geniti filii legitime procreat̃. Tenend̃, &c.* Et ſi nullus heres de corpore ipſius ſecundi geniti filii fuer̃ legitime procr̃, tunc predict̃ parcell' manerr̃, tenementor̃, & redd̃ pred̃ cum pertineñ remañ hered̃ de corporibus p̃d̃ T. & F. inter eos legitime procreat. Tenend̃, &c. Et ſi nullus heres de corporibus ipſorum T. & F. inter eos fuerunt legitim̃ procreatus, tunc p̃d̃ parcell' manerr̃, teñtor̃, & redd̃ p̃d̃ cum pertiñ remanerr̃ inde rectis hered̃ ipſorum T. & F. imperpetuũ. Tenend̃, &c. Et ulterius iidem E. & R. conceſſ. pref. T. & F. decẽ meſſuag' &c. cum pertin' in B. & C. pred̃ reſiduum p̃d̃ manerr̃ t̃entor̃ & redd̃ predict̃. Et ill' eis redd̃ in eadem Curr̃.

A fine of one acre of land, homage, rent, and ſervices.

Sect. 56. *Salop.* PRæcipe E. T. armig. quod ten' N. P. con' de una acr̃ terr̃, & quindecim ſolid̃ redd̃ cum pertin' in G. & F. Et niſi &c. Et eſt concordia talis, ſc. quod pred̃ E. T. recognovit p̃d̃ acr̃ terr̃ cum pertinentiis eſſe jus ipſius N. ut ill' quam idem N. habeat de dono pred̃ E. Et ill' remiſit & quiet̃ clam̃ de ſe & heredibus ſuis pref. N. & heredibus ſuis imperpetuum. E. p̃d̃ E. conceſſit, p̃f N. pred̃ redd̃ ſimul cum homagio & toto ſervicio I. H. & heredum ſuorum de tot t̃entis quot pred̃ E. prius tenuit de F. p̃d̃. Habend̃, precipiend̃ & gaudend̃ p̃d̃ reddit̃ ſimul cum homagio & toto ſervitio p̃d̃ N. & hered̃ ſuis imperpetuũ. Et p̃d̃ E. & hered̃ ſui warrant̃ p̃d̃ N. & hered̃ ſuis pred' acr̃ terr̃ & redd' prædict' cum pertin' ſimul cum homagio & toto ſervitio p̃d̃ ſic (ut dictum eſt) contra omnes homines imperpetuum. Et pro hac, &c.

A Fine of a Manor and ſixe Knights fees, homages, and ſervices in the ſame Manor, by the husband and the wife, and others.

Sect. 57. INter H. W. & I. B. quer̃, & T. M. militẽ & T. filium ejuſdem T. & E. uxorem ejuſdem T. filii, & W. M. deforc', de manerio de T. cum ptiñ, unde placitum conventionis ſumm̃ fuit inter eos in eadem curia, ſcil. quod pred' T. T. E. & W. recogñ predict' manerium cum pertinent̃ eſſe jus ipſius H. ut illud quod iidem H. & I. habeant de dono pred' T. T. E. & W. una cum ſeptem feodis Militum in eodem manerio. Et conceſſer̃ pred̃ H. & I. pred̃ maneriũ & feod̃ cum pertinent̃ ſimul cum homagiis & omnibus ſervitiis M. W. & I. N. & heredum ſuor̃, de tot tenemẽtis quot de pred̃ T. T. E. & W. prius tenuerunt in eodem manerio. Et ill' eis redd̃ in eadem curia. Habendum & tenend̃ iiſdẽ H. & I. & hered̃ ipſius H. de capit̃ dominis feodi illius p ſervitia quæ ad pred̃ manerium & feoda pertinent imperpetuum. Et preterea iidem T. T. E. & W. conceſſe-

ceſſerunt pro ſe & hæred ipſius E. quod ipſi warr̃ p̃d̃ H. & I. & hered̃ ipſius H. p̃d̃ manerium & feoda cum pertiñ ſicut p̃dict' eſt contra omnes homines imperpetuũ. Et pro hac recognitione, conceſſione, warrant̃, fine & concordia, iidem H. & I. dederunt præd̃ T. T. E. & W. viginti libr̃ ſterlingorum.

An old fine in Frankalmoine of the advowſon of a Church, knowledged to a Prior and his Church before Juſtices in Eyre, in Anno 55. of King Henry *the third.*

HEc eſt finalis concordia facta in cur̃ domini Regis apud Lincolñ in octab. ſancti Mich. Anno regni regis Henrici filii Regis Io. 55. coram R.A. G.P. W.W. W.H. & I.O. Iuſticiariis itinerantibus & aliis domini Regis fidelibus tunc ibidẽ p̃ſentibus, inter I. D. petent̃, & Priorem de C. deforc', de advocac' Eccleſiæ de D. cum pertinen' unde placitum convenc' ſumm̃ fuit inter eos in eadẽ cur̃ ſcz. qd p̃d̃ I. recognovit p̃d̃ advocatiõ cum ꝑtin' eſſe jus ipſius Prioris & Eccleſiæ ſuæ ſancti Mar̃ de C. ut illã quam idem prior & eccleſia ſua habent de dono W. filii W. anteceſſoris ipſius I. cujus hæres ipſe eſt: habend̃ & tenẽd̃ idem priori & ſucceſſoribus ſuis & eccleſ. ſuæ p̃d̃, de p̃d̃ I. & heredibus ſuis in puram & perpetuam eleemoſinã, liberam & quiet̃ ab omni ſervitio ſeculari & executione imperpetuũ. Et p̃d̃ I. & hered' ſui warrant̃, acquietabunt, & defend' eidem priori & ſucceſſ. ſuis & eccleſ. ſuæ præd̃ advocatiõ cum pertiñ &c. Et ꝓ hac &c. idem prior remitt̃ pred̃ I. ſingulis beneficiis & orationibus quæ de cetero fient in eccleſia ſua pred̃ imperpetuum. Sect. 58.

A Concord of one meſſuage, &c. in the countie Palatine of Lancaſter.

Lancaſter HEc eſt finalis concordia fact. in cur̃ dom̃ Reg. apud L. die Iune in quinta ſeptimana quadrageſimæ, anno reg. Eliz. dei gratia Angliæ, Franciæ, & Hiberñ, Regin' fidei defenſoris &c. triceſimo ſecundo, coram I. Clench tertio Baron' Scaccar̃ dom̃ Regin' & F.R. uno ſervientium dom̃ reg. ad legem Iuſt. dom̃ reg. apud L. & aliis dict' dom̃ reg. fidelibus tunc ibi preſentibus inter H.T. & R.H. quer̃ & W.C. gen' deforc', de uno meſuagio &c. cum pertin' in T. unde placitum conventionis ſumm̃ fuit inter eos in eadem curia, ſcz. quod predict' W. recognovit &c. Sect. 59.

A leaſe for yeares by fine, if one of the coniſors live ſo long reſerving a rent.

Ebor. ſſ. PRæcipe F.T. & M. uxori ejus, quod juſte &c. ten' I. H. & K. uxori ejus convenc' &c. Sect. 60.

Et

Et eſt concordia &c. ſcz. qd pred' E. & M. conceſſ. pred' I. & K. tenem̃t pred' cum pertiñ. Habend' & tenend' eidem I. & K. a feſto &c. qd erit in anno &c. complend', ſi pred' M. tam diu vixerit. Reddend' inde ad feſta &c. p equales porciones ſolvend', durante toto termino p̃d &c. Et ſi contingat &c. *Quære* **whether this be a good leaſe at this day againſt iſſue in taile.**

A leaſe for yeares by fine of one meſſuage and free fiſhing, reſerving a rent with a clauſe of diſtreſſe, with a grant of the reverſion of the ſaid meſſuage and free fiſhing unto one of the conuſors in fee.

Sect. 16. *Ebor. ff.* PRecipe T. P. armig', C. gen̄, qd juſte &c. ten̄ I. W. & E. M. convenc' &c. de uno meſſuag' &c. cum p̃tiñ in H. & B. ac de libera piſcaria in aqua de B. Et niſi &c.

Et eſt concordia talis, ſcz. qd pred' T. & W. cognoverẽ tenemen̄t & liberam piſcariam predict' cum pertinen̄t eſſe jus ipſius I. ut ille que idem I. & E. habent de dono præd̃ T. & W. Et ill' remiſ. & quiet̃ clam̃ de ſe & hered̃ ſuis præfat̃ I. & E. & hered̃ ipſius I. imperpetuũ. Et preterea iidem T. & W. conceſſer̃ pro ſe & hered̃ ipſius T. qd ipſi warr̃ ten̄t & liber̃ piſcaria pred̃ cum pertiñ præfat̃ I. & E. & hered' ipſius I. contr̃ omnes homines imperpetuum. Et pro hac recognic', remiſſione, quiet̃ clam̃, warrant̃, fine, & concordia, iidem I. & E. conceſſer̃ præfat̃ W. ten̄t & libr̃ piſcar̃ præd' cum pertinentiis. Et ill' ei reddider̃ in eadem cur̃. Habend' & tenẽd' tenementa & liberam piſcariam præd' cum pertiñ præfat̃ W. & aſſign̄ ſuis, a feſto ſancti Martini in hyeme ultiñ præterito, uſque ad finem termini ſexaginta annor̃ extunc proxiñ ſequen̄ & plenarie complend'. Reddend̃ inde annuatim p̃fat̃ I. & E. & hered̃ ipſius I. quendam annual' reddit̃ 3.ſ.6.s.8.d. legalis monetæ Angliæ, ad feſta ſancti Martini epiſcopi in hyeme & P. p equales porciones duran̄t termino pred' ſolvend'. Et ſi contingat predict' annual' reddit̃ 3.p̃.6.s.8.d. aretro fore in parte vel in toto poſt aliquod feſtum feſtorum predictor̃ quando ut prefertur ſolvi debeat non ſolut̃ p ſpacium viginti dier̃, qd tunc bene liceat & licebit præfat̃ I. & E. & hered̃ ipſius I. in tenem̃t predict' cum pertiñ intrare & diſtringere, diſtrictioneſque ſic ibidem capt' & habitas licite aſportare, effugare, abducere, et penes ſe retinere, quouſque de predict' annual' reddit' 3.ſ.6.s.8.d. una cum arreragiis ejuſdem ſi quæ fuerint ſibi plenarie fuerit ſatisfact' & perſolut'. Conceſſer̃ etiam predict' I. et E. prefat' T. tam reverſionẽ tenementor̃ et libere piſcarie prædict', cum pertinentiis, quam predict' reddit' 3.ſ.6.s.8.d. ſuperinde reſervat'. Et illa ei reddider' in eadem cur'. Habend' et tenend' tã reverſionẽ tenementorum et liber' piſcar' pred̃ cum pertiñ. quam predict' reddit' 3.ſ.6.s.8.d. ſuperinde reſervat' prefat' T. et hered' ſuis imperpetuum. Tenend' &c. *ut ſupra*,

A leaſe

A Leaſe for yeares by fine by one and his wife.

Ebor. ff. PRæcipe C. & A. uxori ejus, quod juſte, &c, teñ VV. S. & I. uxori ejus, convenc', &c. de, &c. *expreſſing the tenements, &c.* Sect. 62.

Et eſt concordia talis, ſcz. quod p̃d C. & A. recognoveř teñt præd̃ cum pertinentiis eſſe jus ipſius W. ut illa quæ iidem W. & I. habent de dono præd̃ C. & A. Et ill' remiſeř & quieť clam̃ de ſe & hered̃ ſuis præfat̃ W. & I. & hæred̃ ipſius W. imperpetuum. Et præterea, &c. Et pro hac, &c. pred̃ W. & I. conceſſeř teñta p̃d̃ cum p̃tinentiis præfat̃ C. & A. & ill' eis reddideř in eadem cur̃. Habend̃ & tenend̃ tenement̃ præd̃ cum pertineñ p̃fat̃ C. & A. & aſſignatis ſuis, à feſto S. Mich. Archangeli ultim̃ p̃terito, uſque ad finem termini & p̃ termin̄ xl. annor̄ tunc p̃xim̃ ſequeñ & plenariè complend̃. Et preterea iidē W. & I. & hæredes ipſius W. warrant̃ teñt predict̃ cum pertin̄ præfatis C. & A. & aſſignatis ſuis, durant̃ t̃mino pred̃ contra omnes homines. Et pro hac, &c. *ut ſupra.*

A leaſe by fine made by Tenant for life for xxi. yeares, if ſhe liue ſo long, reſerving a rent, with a clauſe of diſtreſſe, the reverſion granted to the Conuſors, and after the terme ended, then to one P. for xxi. yeares, reſerving a red Roſe, and after the end of that terme, the remainder to E. and M. in fee.

Ebor. ff. PRæcipe I. P. gener̃ & E. uxori ejus, & R. L. armig' qd̃ teñ I. M. canvenc' &c. Sect. 63.

Et eſt concordia talis, ſcz. quod cum prædict' I. P. & E. habent & tenent ſibi pro termino vitæ ipſius E. prædict' tenement̃ & piſcar̃ cum pertinent̃, reverſione inde poſt deceſſum ipſius E. W. T. & hæred̃ ſuis ſpectant̃, iidem I. P. & E. & R. conceſſ̃ præfat̃ I. M. prædict' tenement̃ et piſcar̃ cum pertinentiis. Habend̃ et tenend̃ eidem I. et aſſignatis ſuis tota vita ipſius E. * Et præterea prædict' I. F. et E. et R. warrant̃ pref. I. M. et aſſignat̃ ſuis teñta et piſcar̃ predict' cum pertinent̃ ſicut dictum eſt contra prædict' I. F. et E. tota vita ipſius E. Et pro hac conceſſ. warrant̃, fine, et concordia, idem I. M. conceſſit præfat̃ R. tenemen̄ et piſcar̃ prædict' cum pertinent̃ et illi ei reddidit in eadem curia. * Habend̃ et tenend̃ teñt et piſcar̃ prædict. cum pertinentiis eidem R. pro t̃mino 21. annorum proxim̃ ſequeñ et plenariè complend̃. ſi eadem E. tam diu vixerit. * Reddend̃ inde annuatim præfato I. M. et aſſignat̃ ſuis 14. lib̃ ad feſta &c. per equales porciones annuatim ſolvend. tota vita ipſi° E. * Et ſi contingat &c. conceſſit etiam prædict° I. M. præfatis I. P. et E. reverſionem tenementorum et piſcariæ prædict. cum pertinentiis, et redditū prædict̃ ſuperinde reſervat̃, et ill' eis reddid̃ in eadem curia. * Habend̃

& tenend eisdē I.F. & E. de capitalibus dominis feodi illius p̄ servitia quæ ad præd' tenement & piscar prædict' cum pertinentiis pertinent, tota vita ipsius E. * Et post terminum illum finitum, tenement prædict' cum pertinentiis integrè remanebūt P. & assignat suis pro termino 21. annorum post festum Sancti Martini in hyeme proxim futur immediat sequen & plenariè complend'. * Reddend' inde annuatim prefatis P. & E. & hered' ipsius P. toto termino predict' unam Rosam rubeam ad festum Sanct Johañ Bapt. annuatim solvend. si petatur. * Et post terminum illum finitum, tenementa prædict' cum pertinentiis integre remanebunt prefat E. & M. hered ipsius E. imperpetuum, de capital' dominis feod' ill', per servitia quæ ad prædict' tenementum pertinent imperpetuum.

A Lease to the wife for xxi. yeares of two messuages, to commence after her husbands death, reserving a Rent, with a clause of distresse, the Cognisees grant backe the same reversion and rent to the Consors in fee.

Sect. 64. *South. ff.* PRecipe C.C. armig' & D. uxori ejus, & R.B. gener quod teneant H.M. & C.M. convenc' &c. de duobus messuag' cum p̄tin in parva S. Et nisi, &c.

Et est concordia talis, scz. q̄ predict' C. & D. & R. recogn tenta p̄d cum pertinentiis esse jus ipsius H. ut ill', &c. Et ill' remiser, &c. Et preterea, &c. Et pro hac &c. pred H. & C. concesser prefat R. tenement p̄d cum p̄tinentiis. Et ill' ei reddider in eadē cur. * Habend & tenend tenementa predict' cum pertinen prefat R. tota vita ipsius R. & immediate post decessum ipsi' R. tenem̄t p̄d cum pertinentiis integre remanebunt M. uxori ipsius R. executoribus vel assign suis pro termino 21. annorum extunc p̄xim sequen & plenariè complend'. Reddend inde annuatim prefat H. & C. & hered' ipsius H. quandam annuitatem sive annual redditum v. lib legalis monetæ Angl ad festa Sancti Martini Episcopi & Pent per equales porciones annuatim durant eodem termino solvend, prima solutione inde incipiend' ad p̄xim festū festorū predictor post decessum p̄d R. * Et si contingat p̄d annuit sive annual reddit quinque lib aretro fore, &c. * Concesser etiam p̄d' H. & C. p̄fat C.C. & D. tam reversionem tenement cum pertinent, quam p̄d reddit v. lib superinde reservat. Et ill' eis reddiderunt in eadem curia. Habendum, tenendum, & percipiendum, predictam reversionem tenementor predictorū cum pertinentiis, & redditum p̄dictum prefat C.C. & D. & heredibus ipsius D. imperpetuum.

I.R.

I. R. being tenant in generall taile in poſſeſſion, the reverſion in fee to C. and T. the ſame C. and T. by fine grant the land to M. and E. and the ſaid M. and E. render the ſame againe to the ſaid T. Habendum *from a certaine Feaſt next after the death of the ſaid I. without heire of his bodie for the terme of 1500 yeares, reſerving one penie rent, and after the end of the terme to T. P. one of the ſonnes of the ſaid T. for ever.*

Ebor. ſſ PRecipe, &c. C. N. & T. T. qd ten' M. B. & E. D. convenc' &c. de, &c. Et niſi. &c. Sect. 65.

Et eſt, &c. q̄ cum I. R. habet & tenet ſibi & hered̄ de corpore ſuo legitime ꝓcreat̄ teñt̄ pred̄ cum ptinentiis reman' inde poſt deceſſum ipſius I. ſi idem I. obierit ſine herede de corpore ſuo legitime ꝓcreat̄ p̄f. G. & hered̄ ſuis ſpectāt̄, iidem C. & T. conceſſer̄ tenementa p̄d̄ cum pertin' pred' M. & E. & hered̄ M. imperpetuum. * Tenend̄. &c. Et p̄d̄ G. & hered̄ ſui warr̄ p̄f. M. & E. & hered̄ ipſius M. teneñ pred̄ cum ptinentiis ſicut p̄d̄ eſt, contra omnes homines imperpetuum. * Et ꝓ hac conceſſione, reddition', warr̄, fine & concord̄, iidem M. & E. cōceſſer̄ p̄d̄ T. teñt̄ p̄d̄ cum p̄t̄. & ill' ei redd̄, &c. * Habend̄, &c. eidem T. & aſſign̄ ſuis, a feſto S. Martini in hyeme ꝓxim̄ poſt deceſſum p̄d̄ I. ſi idem I. obierit ſine herede de corpore ſuo legitime ꝓcreat̄ uſq; finem termini & ꝓ termino mille & quingent̄ annorū ex tunc ꝓxim̄ ſequen̄ & plenariè complend̄ abſque impetitione alicujus vaſti. * Reddend̄ inde annuatim p̄fat̄ M. & E. & hered̄ ipſius M. unum denar̄ ad feſtum &c. annuatim ſolvend̄ toto termino p̄dict̄ ſi petatur. Et poſt terminum illum finitum, predict. tenementa cum pertinent̄ integre reman' P. T. uni filiorum predict̄ T. & hered̄ ipſius P. imperpetuum, &c. *ut ſupra.*

A Leaſe of a meſſuage by fine for yeares to begin at a time to come, with a clauſe of diſtreſſe.

North. ſſ PRecipe A. B. & E. uxori ejus, qd teñ C. D. convenc', &c. de uno meſſuag. &c. Sect. 66.

Et eſt concordia talis ſcz. qd p̄d̄ A. B. & E. conceſſ. teneñ pred̄ cum p̄t̄ pref. C. D. & aſſignatis ſuis, Et illa in eadem cur̄ pref. C. D. redd̄: Habend̄ & tenend̄, eidem C. D. a feſto Pentec. q̄ erit in anno dom̄ 1597, uſq; finem termini viginti unius annorum extunc ꝓxim̄ ſequen' & plenar̄ complend̄: Reddend̄ inde annuatim pref. A. B. & E. & hered̄ ipſi' E. ſeptem lib̄ legalis monet̄. &c. ad feſta S. Martini Epiſcopi in hyeme, N. A. P. equis portionibus annuatim durante termino p̄d̄ ſolvend̄. Et ꝓ hac, &c.

A leaſe for one meſſuage, &c. to divers for 90. yeares, if the leſſee his wife, and two others live ſo long, reſerving a rent, and the beſt Beaſt after the death of every tenant in name of an Heriot, with a clauſe of diſtreſſe for the ſame rent and Heriot, and after granteth the reuerſion to the leſſor and his wife.

Sect. 67. *Lond. ff.* PRæcipe I.R. armig' et M. uxori ejus, et T. B. quod teñ R.C. & V.C. convenc' de uno meſſuagio, &c.

¶ Et eſt concordia talis, ſcz. quod p̄dict' I.M. et T. recogñ terr̃a p̄d̄ cum p̄tineñ eſſe jus ipſius V. ut ill', &c. cum relaxatione et waṙ. Et pro hac, &c. iidem R. et V. conceſſer̃ p̄fat̃ T.B. p̄dict' tenementa cum p̄tin. Et ill' ei reddiderunt in eaden curia. Habend̃ et tenend̃ eidem T. et aſſignẽ ſuis, a feſto natalis dñi p̄xim̃ futur̃, uſq; ad finẽm termini nonaginta annorum tunc p̄xim̃ ſequeñ et plenariè complend̃, ſi idem T. et I. uxor ejus, B.B. et T.B. filii ipſius T. tam diu vixerint, aut eorũ aliquis tam diu vixerit. * Reddend̃ inde annuatim p̄d̄ R. et V. et hæred̃ ipſius V. quatuor libr̃ legalis monetæ Angliæ, ad feſta Annunciationis beatæ Mariæ virginis, nativitatis Sancti Joh. Bapt. S. Michaelis Archang. et nativit̃ dñi, per æquales porciones annuatim ſolvend̃ toto termino p̄d̄, ac ſolvend̃ poſt deceſſum T. B. patris, et poſt deceſſum cujuſlibet inde tenentis ſuum optimũ animal nomine herior̃. * Et ſi contingat p̄d̄ redd̃ 4. li. aretro fore in parte vel in toto poſt aliqd̃ feſtũ feſtorũ pred̃ quo ut pref. ſolvi debeat nõ ſoluṫ, aut ſi conting' pred̃ optimum animal nomine herior̃ ut præfert ſolvend̃ poſt deceſſum cujuſlibet tenẽtium præmiſſor̃ fore inſoluṫ aut ſubtract̃. * Quod tunc bene licebit præd̃ R. et V. hæred̃ ipſius R. in præd̃ tenemñ cum pertineñ intrare et diſtringere, diſtrictiones q; ſic ibidem capt̃ et habit̃ licite abducere, aſportare, et effugere, ac penes ſe retinere quouſq; de præd̃ redd̃ 4. li. et arreragiis ejuſd̃ (ſi quæ fuerint) una cum optimo animali præd̃ quando contiñ plenariè fuerint ſatisfact' et perſoluṫ. * Conceſſer̃ eitiam præd̃ R. et V. præd̃ I. et M. reverſionem tenementi præd̃ cum pertiñ et præd̃ reddit̃ 4. li. ac pred̃ redd' optimi animalis nomine herior̃ ſuperi' reſervat̃. Et illa eis redd̃ in ead̃ curia. Habend̃ et tenend̃ eiſd̃ I. et M. et hæred̃ ipſius I. et M. et hæred̃ ipſius I. de capital' dñi feod̃ ill' imperpetuum, &c.

A Leaſe for yeares to one of the Conuſors of one meſſuage, &c. reſerving rent, with a nomine pœnæ and a diſtreſſe for the rent and paine, with a grant of the reverſion to one of the Conuſors, and his wife in generall taile.

Sect. 68. *Midd. ff.* PRæcipe E.P. armig' & uxori ejus, & R.B. quod teneant I. R. & T.S. convenc' de uno meſſuag' &c.

Et

Et eſt concordia talis, ſcilicet, quod predict̃, E.P. & M.& R.B. recogñ tenementa prædict̃ cum pertiñ eſſe jus ipſius I. ut ill̃ quæ iidem I. & T. habent de dono prædict̃ E.M. & R. (cum relaxac' & warrant̃) Et ꝑ hac &c. iidem I.& T. conceſſ. præfat̃ R. tenementa prædict̃ cum ꝑtinentiis, Et ill̃ ei reddider̃ in eadem curia: Habend̃ & tenend̃ eidē R. à feſto Sancti Mich. ultimo ꝓterito ꝑ termino triginꝯ unius annorum extunc ꝑxim̃ ſequeñ & plenariè complend̃. * Reddend̃ inde annuatim prædict̃ I.& T. & her̃ ipſius I. viginti lib̃ legalis monetæ Angliæ, ad duos anni terminos, viz. ad feſtū Annunciationis beatæ Mariæ virginis & Sancti Michaelis Archang' per æquales porciones annuat̃ ſolvend̃ toto termino p̃dict̃. * Et ſi contingat prædict̃ redd̃ xx.li. aut aliquam inde parcellam aretro fore in parte vel in toto poſt aliquod feſtū feſtor̃ prædict̃ quo ut p̃fer̃ ſolvi debeat non ſoluꝯ ꝑ ſpaciū quadraginta dierum, ꝙ tunc forisfaciet prædict̃ R. predict̃ I. & T. & hæred̃ ipſius I. v.li. nomine pœnæ, & quod tunc & toties bene licebit p̃d̃ I. & T. & her̃ ipſi⁹ I. in predict̃ tenementa cum pertinentiis intrare & diſtringere diſtrictioneſq; ſic ibid̃ capt̃ & habitas licit̃ abducere, aſportare, effugare, ac penes ſe retinere, quouſque tam de p̃d̃ xx.li. quam de p̃d̃ quinque lib̃ nomine pœnæ, ut p̃fer̃ forisfact̃ cum areragiis earū (ſi quæ fuer̃) plenarie fuerit ſatisfact̃ & perſoluꝯ. * Conceſſer̃ etiam p̃d̃ I.& T. p̃d̃ E. & M. p̃d̃ tenementa cum pertinentiis, ac p̃d̃ reddit̃ xx. ſ. ſuperinde reſervat̃ ac pred̃ ſummam quinque librarum nomine pœnæ. Et ill̃ eis reddider̃ in eadem curia. Habend̃ & tenend̃ eiſdem E.& M. & hær̃ de corpore ipſius E. legitime ꝓcreat̃. Tenend̃: &c. Et ꝑ defectu talis exit̃ remañ inde W.W. & hered̃ ſuis imperpetuum. Tenend̃, &c.

A Fine with grant and render of the moitie of a manor to the Conuſor for terme of life, without impeachment of waſt, and for ſixteene yeares after her death, then the one moitie of the ſame moitie, to one in fee, and the other moitie of the ſaid moitie to another in fee.

Ebor. ſſ. PRecipe E. A. vid̃ nuper uxori W. A. Mil̃ defunct̃ qd teñ T.E. convenc' de medietate manerii de H. &c. Sect. 69.

Et eſt concordia talis, ſcilicet, ꝙ cum E.A. recogñ, &c. Et ꝑ hac, &c. idem T. F. conceſſit prefat̃ E. A. medietatem predict̃ cum ꝑtinentiis. Et ill̃ ei reddidit in eadem Curia. Habend̃ & tenend̃ predict̃ medietatem maner̃ &c. predict̃ E.A. ꝑ termino vitæ ſuæ ipſius E. abſque impetitione alicujus vaſti de capitalibus dominis feodi illius ꝓ ſervitia quæ ad prædict̃ medietatem pertinent tota vita ipſius E. & ꝑ termino ſexdecim annorum extunc ꝑxim̃ ſequeñ poſt mortem præd̃ E. Et poſt mortem predictæ E. & poſt pred̃ termiñ ſexdecim annor̃ finitum & determinat̃, quod tunc una medietas prædict' medietatis manerii

pred' &c. cum ptiñ remañ B.G. modo uxori G. armig', & hæred' ipſius B. Tenend de, &c. Ac altera medietas p̄d medietat̄ maner̄, &c. p̄d cũ p̄t remañ E.G. modo uxori N.G. & hered' ipſi' E. Tenēd de capitat̄, &c.

A Render of three meſſuages to one of the Conuſers for life, the remainder to one of his heires males, the remainder to another and his heires for ever.

Sect. 70. *Eſſex ſſ.* PRecipe N.A. & W. quod teñ R.C. & T.C. conu' de tribus meſſuag'.

* Et p̄ hac, &c. iidem R. & R. conc' p̄f. VV. teñt̄ cum pertinentiis. Et ilł ei redd in ead' cur̄: Habēd & tenēd eid VV. & aſſignñ ſuis. Tenend de capit dñis feodi illius p̄ ſervitia quæ ad p̄d teñta p̄tinent, tota vita ipſi' VV. & poſt deceſſũ ipſius W. ead' tenemt̄ cũ pertin' integr̄ remanebunt I.C. & hær̄ maſculis de corp' ipſi' I. legitime p̄creat̄. Tenend &c. Et ſi nullus heres ſit de corp' ipſius I. legit p̄cr̄, tunc ead' teneñt̄ cum pertiñ integ' remañ I.C. fratri p̄d I. & her̄ ſuis imp̄pet̄. Tenend, &c.

An eſtate for life to the Conuſor, and after his death to one I W. whom the Conuſor intendeth to take to his wife, for her life in the name of a jointure, and after her death to the heires males of the bodie of the Conuſor.

Sect. 71. ET eſt concord̄ talis, &c. Et poſt deceſſ. ipſi' I. p̄d &c. cum p̄tiñ integr̄ remaneb. I. VV. filiæ I.W. nomine junct̄ur̄, q̄ (deo dante) id I.C. ducet in uxor̄. Tenend de capitat̄ &c. tota vita ipſius Ia. & poſt deceſſum ipſi' I. p̄d, &c. cum pertiñ integr̄ remaneb. hered maſcul' de corpor̄ p̄d I.C. legitim̄ p̄creat̄. Tenend de capitalibus dominis, &c.

A Fine of divers manors, meſſuages, and rent, the which the Conuſees doe render againe to the Conuſors, to the uſe of the Wife of the Conuſor for her life.

Sect. 72. *Ebor. ſſ.* PRec' T.C. armig', VV. R. arm̄ T.P. ar̄, & L.B. geñ, quod &c. teñ I.D. & E. uxori ejus convenc' de maner̄ de C.N. & E. cum pertiñ, ac de ducentis meſſ. &c. & de x. lib̄ reddit̄ cum pertinent̄ C.N. & B. Et niſi, &c.

Et eſt concordia talis, ſcz. q̄ p̄d T.C. VV. R. T.P. & L. recog' maner̄, teñt̄, & reddit̄ p̄d cum pertiñ eſſe jus ipſius I. Et ił remiſ. & quiet̄ clam̄ de ſe & de heredibus ſuis prefat̄ I. & heredibus ipſius I. imperpetuum. Et p̄ hac, &c. iidem I. & E. conceſſer̄ pred̄ T.C. W.R. T.P. & L. pred̄ maner̄, tenement̄, & reddit̄ cum pertineñ, & ił eis reddider̄ in eadem Curia. Habend & tenend eiſdem T.C. W.R. T.P. & L. tota vita ipſius E. Et prædict̄ I. & hered ſui warrant̄ predict̄ T.C. W.R. T.P. & L.

pred'

p̄dicta mañia, tenementa & redd̄ cum pertiñ ſicut dictum eſt, contra omnes homines durañ vita pred' E. &c.

A fine of meſſuages, cottages, lands, meadow, paſture, wood, heath, lnge, rent of a Parſonage, and of the advowſon of a Church.

HEc eſt finalis concordia facta in Curia dñi Reg' apud W. a die P. in quindecim dies, Añ Reg' Iacobi Dei gratia, A.S.F. & H. Reg' fidei defenſoris &c. a conqueſtu tertio, coram E.A.T.M.F.W.W.P. Iuſtic' & aliis dñi Reg' fidelib' tunc ibi preſentib', inter I.B. geñ & R. geneř querenť, & R.C. ſenioř armig', & R.C. de Grayes Inne in comiť Midd' geneř deforc' de centũ meſſuag', centũ cotagiis, duob' millibus acř terř, mille acř prati, duobus millib' acř paſtuř, centũ acř boſci, mill' acř jampnoř & bruere, & centũ ſolidis redditť cum ptin' in &c. Necnon de Rectoria de K. cum pertin'. Ac de advocatione Eccleſiæ de K. unde placitť convēc' ſumm̄ fuit inter eos in ead' Cuř, ſc. q̄ p̄d R. & R. recognoveř p̄d teñta, redd', & rectoriã cum ptin', ac advocationem pred' eſſe jus ipſius I. ut illa quæ idem I. & R. habent de dono pred' R. & R. Et ill' remiſeř & quieť clam̄ de ipſis R. & heř ſuis pred' I. & R. & hered' ipſius I. imperpetuum. * Et p̄terea iidē R. & R. conceſſ. p̄ ſe & heř ipſius R. C. ſenioris, q̄ ipſi warrant̄ p̄d I. & R. & heř ipſius I. pred' teñta, redd' & rectoriam cum ptin' ac advocať pred' contra pred' R. & R. & hereď ipſius R.C. ſenioř imppetuum * Et p̄ hac recogñ, remiſſion', quieť clam̄ warř, fine, & concordia, iidem I. & R. dedeř pred' R. & R. duo mille libř ſterlingorum. Sect. 73.

A fine by the husband and his wife of the lands of the wife, with grant and render of the 4. part of two meſſuages, foure toftes, two gardens, two orchards, two hundred acres of land, twenty acres of medow, fortie acres of paſture, twelve acres of wood, and an hundred acres of moore in 4. parts divided, the conuſors doe grant the ſame againe to the Conuſees for their lives, without impeachment of waſt, and after their deaths to one of their ſonnes in generall taile, and for default of ſuch iſſue, then to one other of the Conuſees ſons in generall taile, and for default of ſuch iſſue, then to the third ſon of the Conuſees in generall taile, and for default of ſuch iſſue, to the right heires of the wife of the conuſor for ever.

HEc eſt finalis concord' facta in Cuř dñi reg' apud Weſt. in Octab. S. Mich' Añ reg' Iacobi dei gratia Ang', Scotiæ, Franc', & Hibeř reg' fidei defenſ. &c. à cōqueſtu tertio, coram R.A.T.W.R.W. & T.L. Iuſt' & aliis dñi reg. fidelibus tunc ibiď p̄ſentibus, inter G.I. & W.W. queř, & I.C. & I. uxoř def. de quarta parte, 2. meſſ. 4. toft, 2. gard', 2. p̄. ducēť acř teř, 20. acř prať, 40. acř. paſt. 12. acř boſc', & 100. acř moræ cũ Sect. 74.

pertiñ in G. & L. in quatuor ptes divis. unde placit conventionis summ̃ fuit inter eos in ead curia, scili. q̃ prædt T. & I. recogñ prædictam quartam partem cum pertiñ esse jus ipsi' G. ut illam quam iidem G. & W. habent de dono predict I. & I. Et illam remiss. & quiet clam̃ de ipsis I. & I. & hered ipsius I. prædt G. & W. & hered' ipsius G. imperpetuum. Et p̃terea iidem Io. & Ia. concesserunt p̃ se & hered' ipsi' Ia. quod ipsi warrant prædict G. & W. & hered' ipsi' G. prædt quartam partem cum p̃tiñ contr pred I. & I. & hered' ipsius Ia. imperpetuum. * Et p̃ hac recogñ. &c. iidem G. & W. concesserunt prædict I. & I. prædict quartam partem cum p̃tiñ. Et ill eis reddider in eadem cur. Habend' & tenend eisdem I. & I. de capitalibus dñis feodi illius per servitia quæ ad prædict quartam partem pertinent tota vita ipsorum I. & I. & eorũ alterius diutius viven absq; impetitione alicujus vasti. Et post decessum ipsorum I. & I. prædt quarta pars cum pertinen' integre reman' B. C. filio predictor I. & I. & hered de corpore ipsius B. legitime p̃creat. Tenend de capitalibus dñis feodi illius, &c. imperpetuum. * Et si contingat qd' idem B. obierit sine hered' de corpore suo legitime p̃creat, tunc post decessum ipsius B. p̃d' quarta pars cũ p̃tin' integre remañ P. C. al fil p̃d I. & I. & hæred' de corpore, &c. Tenend de capital &c. imperpetuum. * Et si contingat q̃ idem P. obierit, &c. tunc post decessum ipsius P. p̃d' quarta pars integre remañ R. C. al fil predict I. & I. & hered' de corpore &c. Tenend' de capitalibus, &c. imperpetuum. Et si contingat q̃ idem R. obierit, &c. tunc post decessum ipsius R. p̃d' quarta pars cum pertin' integre reman' rectis hered' predict Ia. Tenend' de capitalibus dñis feodi illius, per servitia quæ ad prædict quartam partem pertinent imperpetuum, &c.

A Fine of one messuage, and of a third part of foure messuages in three parts divided, part in possession, and part in reversion, of a third part for terme of the life of the tenant in Dower, and for terme of life of another tenant for terme of life.

Sect. 75. *Ebor. ss.* PRæcipe I. W. & A. uxori ejus, q̃ juste, &c. teñ I. L. & E. E. convenc' de uno messuag' &c. necnon de tertia parte in tres partes dividend' quatuor messuag' cum pertinenc, &c.

Et est concordia talis, scz. quod predict I. et A. recogñ tenementa predicta ac tertiam partem pred' cum pertinentiis esse jus ipsius I. de quibus iidem I. E. et E. E. habeant unum messuag' cum pertin' in prædictis vill de T. et B. parcell tenementorum prædictorum ac predict tertiam partem quatuor messuag' &c. cum pertinentiis in T. et B. parcell tenementorum predictor de dono prædict I. et A. Et ill remiser et quiet clamaver de ipsis I. et A. et heredibus suis præfat I. E. et E. E.

et

& hered' ipſius I. imperpetuum. Et conceſſ. p ſe & hered' ipſius A. q viginti ac' ſex ac' prati, &c. cum pertiñ in pred' villa de B. parcel' tenementor' & tertia pars pred' quæ I.A. & F. uxor ejus ten' ad termiñ vitæ ipſius F. de hered' pred. A. die quo hæc concordia facta fuit. Et quæ poſt deceſſum ipſius E. ad pred. I. A. & heredes ſuos debuer' revertere poſt deceſſum ipſius A. integre remaneant pred' I. E. & E. E. & hered. ipſius I. imperpetuum. * Conceſſer' etiam pred' I. W. & A. p ſe & her' ipſius A. quod unum meſſuag. cum pertiñ in pred. vill' de B. reſiduum tenemen' pred' quæ I. A. tenet ad terminum vitæ ſuæ de hered' præd' A. die quo hæc concordia facta fuit, poſt deceſſum ipſius A. integre remaneant pred'. I. E. & E. & hered' ipſius E. imperpetuum.

A Fine with grant and render of the moitie of a mannor, reciting that a widow hath the ſame for her life without impeachment of waſt, and after her death to her executors for ſixteene yeares without impeachment of waſt, and after her death and the end of ſixteene yeares, to two and to their wives, and to the heires of their wives; and after the husbands and their wives grant the ſame to the tenant for life in fee, who granteth the ſame after the end of the ſaid ſixteene yeares unto the conuſors for the terme of one and twentie yeares without impeachment of waſt.

Ebor. ff. PRecipe N.G. & E. uxori ejus, W. G. & B. uxori ejus, quod teneant F. A. convenc. de medietate manerii de H. cum pertinentiis, &c. Sect. 76.

Et eſt concordia talis, ſcz. q cum E. A. vidua nuper uxor W. A. defuncti, habet & tenet predictam medietatem manerii de H. cum pertiñ, Ac prædictam medietatem tenementorum & piſcariæ præd. cum pertiñ ad terminum vitæ ſuæ abſque impetitione alicujus vaſti. * Et q poſt mortem ejuſdem E. prædicta medietas mañer', tenementorum & piſcariæ prædictorum remaneant execut' teſtamenti ejuſdem E. ad terminum ſexdecim annorum tunc p xiñ ſequen. poſt mortem ipſius E. abſque impetitione vaſti. Et quæ poſt mortem predictæ E. A. ad terminum prædictorum ſexdecim annorum ad N. G. & E. uxor' ejus, & W. G. & B. uxor' ejus, & hered' dictorum E. & B. rever' deberent. Predict' W. G. & B. uxor ejus, N. G. & E. uxor ejus, concedunt quod dictæ medietates dictorum maneriorum, tenementorum, & piſcariæ cum pertiñ poſt mortem pred' E. A. & poſt predict' terminum ſexdecim annorum finitum & determinat' integre remaneant pref. F. A. & her' ſuis. * Tenend' de capitali dñis feod' ill' p ſervitia quæ ad predict' medietat' dictorum manerii, tenement' & piſcar' cum pertinen' pertinent. Et ill' remiſ. & quiet' clam' de ipſis W. G. & B. uxor' ejus, N. G. & E. uxor' ejus, & hæred' ſuis pref. F. A. & hered' ſuis imperpetuum. * Et preterea

iidem

iidem W.G. & B.N.G. & E. conceſſer' ꝑ ſe & hered' ipſius N. ꝙ ipſi warrant' prædict' reverſionem medietatis dictorum manerii, tenẽtorum, & piſcariæ cum pertinentiis prefat' F. A. & hered' ſuis contra ipſos W. G. & B.N.G. et E. & her' ſuos imppetuum. Et ꝑ hac, &c. idem F. conceſſit p̃fat' W.G. & B.N.G. & E. pred' reverſionem medietatis manerii tenẽtor', & piſcariæ pred' cum ptiñ. Et ill' eis reddid' in eadem Curia. * Habend' & tenend' eadem reverſionem medietatis manet', tenẽtorum & piſcariæ pred' cum ptiñ dictis W. G. & B.N.G. & E. à feſto Apoſt' Phil' & Jacobi ꝙ tunc ꝓxim̃ erit poſt finem dictorum ſexdecem añ uſq; ad finem & term̃ xxi. annor' extunc ꝓxim̃ ſequent' & plenarie cõplend', abſque impetitione alicujus vaſti.

A Render of meſſuages, &c. to the cogniſor for one weeke, after to a ſtranger for life, and to his wife for life, if ſhe keepe her unmarried, the reverſion to another ſtranger and his heires of his bodie upon M. his wife begotten, the remainder to another and his heires.

Sect. 77. *Ebor. ſſ.* PRecipe I.W. & E. uxor' ejus, ꝙ ten̄ W.M. & O.S. convenc' de duobus meſſuag' &c. in S. Et niſi &c.

Et ꝑ hac, &c. iidem W. & O. conceſſerunt præfat' I. tenement' præd' cum pertiñ. Et ill' ei reddider' in eadem Curia. Habend' & tenend' eidem I. pro termino unius ſeptimanæ, Et poſt terminum illum finitum, pred' tenem̃ cum ptiñ integre remanebunt B. Habend' & tenẽd' eidem B. de capitalibus dñis feodi illius per ſervitia quæ ad pred' tenẽt pertiñ, tota vita ipſius B. Et poſt deceſſũ ipſius B. p̃d' tenta cum pertiñ integre remañ I. uxori pred' B. * Tenend' &c. tota vita ipſius I. ſi eadem I. tam diu ſola & innupta vixerit. Et poſt deceſſum ſive ſponſalia ipſius I. ſi quæ fuer', pred' tenta cum pertiñ integre remañ E. W. filio & heredi apparenti pred' I. & hered' de corpore ipſius E. de corpore M. uxoris ejus inter eos legitime ꝓcreat'. Tenend', &c. Et ſi contingat ꝙ idem E. obierit ſine her' de corp' ſuo de corp pred' M. inter eos legit' ꝓcreat', tunc poſt deceſſ. ipſor' E. & M. tenem̃ p̃d' cum pertiñ integre remañ pred' I. & hered' ſuis. Tenend' &c. imperpetuum.

A fine of two reverſions of two meſſuages, one cottage, &c. after the deaths of the two tenants for life.

Sect. 78. *Ebor. ſſ.* PRecipe R.N. & A. uxori ejus, quod ten̄ G.E. convenc' &c. de duobus meſſuag', uno cotag' &c. in N.

Et eſt concordia talis, ſcz. quod predict' R. & A. recogñ, tenementa predict' cum pertiñ eſſe jus ipſius G. & conceſſ. pro ſe & heredibus ipſius

ipſius R. quod pred' cotagium, viginti acr' terr', decem acr' prati, &c. parcell' tenementor' predictor' cum pertin' in N. pred', quæ W.B. & A. uxor ejus tenent ad terminum vitæ ipſius A. de hereditate pred' R. die quo hæc concordia facta fuit, & quæ poſt deceſſum ipſi' A. ad predict' R. & hered' ſuos debuerunt revert', integre poſt deceſſum ipſi' A. ad p̄d' G. & hered' ſuos remaneant. Tenend', &c. Conceſſer' etiam pred' R. & A. qd' predict' 2. meſſuag' &c. reſidua tenement' predict' cum pertin' in N. predict', quæ W.P. et D. uxor ejus tenent ad terminum vitæ ipſi' D. de hereditate &c. (*ut antea.*) Et preterea predict' R. et A. & hered' ipſius R. warrant' tenementa predict' cum pertinentiis pref. G. et heredibus ſuis ſicut dictum eſt, contra prædict' R. et A. et heredes ipſius R. imperpetuum. Et pro hac, &c.

A grant to the cogniſee and his wife, and the heires of their two bodies, with warrantie in taile.

Ebor. ſſ. PRecipe H. E. gen', quod juſte &c. ten' H. W. et I. uxori ejus convenc' &c. de tenem'tis in S. Et niſi &c. Sect. 79.

Et eſt concordia talis, ſcz. quod predict' H. F. conceſſit tenement' & reddit' prædict' cum pertin' prefat' H. W. et I. Et ill' eis reddidit in eadem curia. Habend' et tenend' eiſdem H.W. et I. et heredibus de corp. ipſorum H. W. et I. inter eos legitime ꝓcreat'. Tenend', &c. Et pred' H. F. et heredes ſui warrant' prefat' H. W. et I. et heredibus de corpore ipſor' H.W. et I. inter eos legitime ꝓcreat' tenement' p̄d' ſicut dictum eſt, contra omnes homines imperpetuum. Et pro hac, &c.

A grant with a render backe againe for life, without impeachment of waſt, divers remainders in taile dividing the lands.

Heref. ſſ. PRecipe N.B. et A. uxori ejus, ꝙ ten' T.R. et R. G. convenc' &c. de uno meſſuag' cum pertin' in E. &c. Sect. 80.

Et eſt concordia talis, ſcz. quod pred' &c. cum relaxac' et warrant' &c. Et ꝓ hac, &c. iidem T.R. conceſſer' præf. N. et A. tenement' predict' cum pertinentiis. Et ill' eis reddiderunt in eadem curia. Habend' eiſd' N. et A. tota vita ipſorum N. et A. et alterius eorum diuti' vivent', abſque impetitione vaſti tota vita ipſius A. Tenend', &c. Et poſt deceſſum ipſorum N. et A. unum meſſuagium, &c. cum pertinent' in F. pred' de tenementis pred' parcel' remañ T. B. uni filiorum p̄d' N. et A. et heredibus maſculis de corpore p̄d' T. legit' ꝓcreat', et tunc poſt deceſſum ipſius T. p̄d' tenement' de p̄d' tenement' parcel' integre remañ I.B. alteri filiorum predict' N. et A. et hered' maſcul' de corpor' ipſius I. legitime ꝓcreat', Tenend', &c. Et ſi contingat, &c. poſt deceſſum ipſius I. p̄d' ten't

de

de p̄d̄ tenement̄ parcel̄ integre remañ B.F. alteri filio pred̄ A. & hered̄ masculꝰ de corpore p̄d̄ B. licite ꝓcreat̄. Tenend. &c. Et si contingat &c. quod tunc tenem̄ p̄d̄ reman'(**to diuers others**) & rectis heredibus pred̄ A. imperpetuum. Tenend̄ &c. Et præterea p̄fat̄ T. & R. concesser̄ quod post decessum pred̄ N.B. & A. uxor̄ ejus 44. acr̄ terr̄, duæ acr' prati &c. cum pertiñ in B. p̄d̄ de predictis tenem̄ residua integre remanebunt p̄d̄ B.F. & her̄ de corpore suo legitime ꝓcreat̄. Tenend̄, &c. Et si contingat quod idem B. obierit sine her̄ de corpore suo legitime ꝓcreat̄, q̄d̄ tunc post decessum ipsiꝰ B. p̄d̄ tenement̄ residua integre remanebunt p̄f. T.F. hered̄ & assign̄ suis imperpettuum.

A Fine to entaile lands to the heires of the body of the conusor of the bodie of I.C. her husband deceased, with remainder over, for default of such issue, to the right heires of the said I.C. &c.

Sect. 81. *Leicest. ff.* PRecipe I. C. armig', quod ten̄ M.C. viduæ conuenc' de tribus messuag. &c.

Et est concordia talis, sc. quod pred̄ I. concessit pred̄ M. præd̄ tenement̄ cum pertinentiis. Et ill̄ ei reddidit in eadem Curia. Habend̄ & tenend̄ eidem M. & her̄ de corpore ipsius M. de corpore I.C. nuper viri sui defuncti legitime ꝓcreat̄, de capitaꝝ &c. Et si contingat quod eadem M. obierit sine hæred̄ de corpore suo de corpore ipsius I.C. legitim̄ ꝓcreat̄, tunc post decessum ipsius M. predicta tenta cum pertinen̄ integre remaneant rectis heredibus ipsius I. C. defuncti. Tenend̄, &c. Et p̄d̄ I. armig' & her̄ sui warr̄ pred̄ M. & hered̄ de corpore suo de corpore præd̄ I. C. defuncti, ac etiam rectis heredibus ipsius I. C. si eadem M. obierit sine hær̄ de corpore suo de corpore ipsius I. C. defuncti licite ꝓcreat̄, p̄d̄ tenta cum ꝓtinent̄ (sicut dictum est) contra predict̄ I.C. armig' & hered̄ suos imperpetuum. Et ꝓ hac, &c.

A grant by a Duke and his wife as in the right of his wife to the cognisee for life of the tenant for life, with warrantie, a render to the cognisor for the wives life, to convey her title to her husband.

Sect. 82. *Warw. ff.* PRecipe T. Duci N. & M. uxor ejus, quod ten̄ T. T. armig' convenc' &c. de tenem̄tis in W. Et nisi, &c.

Et est concordia talis, scz. quod præd̄ Dux & M. concess. præd̄ T. T. tenementa præd' cum pertiñ, & quicquid idem Dux & M. habent in tenementis prædictis cum pertiñ, ad terminum vitæ ipsius M. Et ill̄ ei reddider̄ in eadem curia. Habend̄ & tenend̄ eidem T. T. & hered̄ suis de capitalibus dñis feodi illius per servitia quæ ad eadem tenementa cum pertinen̄ ꝓtinent tota vita ipsius M. Et præterea iidem T. & M. con-

conceſſ. p ſe, qd ipſi warrant̃ p̃d̃ T. T. & hæred̃ ſuis tenta p̃d̃ cum p̃t̃ contra omnes homines tota vita ipſius M. Et pro hac, &c. idem T.T. conceſſ. teneñ prædict̃ cum pert̃ præfato Duci. Et ill' ei reddidit in eadem curia: Habend̃ & tenend̃ eadem teneñ cum pert̃ eidem Duci & hæred̃ ſuis tota vita pred' M. tenend̃, *ut ſupra.*

A fine of the moitie of mannors, meſſuages, land, meadow, paſture, wood, linge, and heath, moore, marish, and rent the advowſon of the moitie of a Church, the advowſon of the moitie of a Monaſterie or Prioric in poſſeſſion and reverſion in fee.

HÆc eſt finalis concordia fact' in curia dom̃ reginæ apud Weſtm̃ in craſtino Sanctæ Trinitat̃, Anno regni Eliz. Dei gratia, Angliæ, Franciæ, & Hiberniæ, reg. fidei defenſ. &c. a conqueſtu triceſimo ſecundo, coram E. A. &c. Juſtic' & aliis Dominæ reginæ fidelibus tunc ibi p̃ſentibus, inter A. M. & L. H. queř, & T. N. & I. uxorem ejus, unam conſanguinearum & hæred̃ R. E. defore', de medietate maneriorum de W. & R. cum pertinent̃, ac de medietate octaginta meſſuag', 40. acř t̃r̃, 300. acř prati, 50. acř paſtur̃, 100. acř boſci, 30. acř jampnorum & brueræ, 160. acř moræ, 200. acř mariſci, & viginti ſolidor̃ redd̃ cum pert̃ in W. R. W. P. T. &c. Necnon de advocatione medietat̃ eccleſiar̃ de E. W. P. & R. ac etiam de advocat̃ medietat̃ Monaſterii ſive Prioratus de L. unde placitum conventionis ſumm̃ fuit inter eos in eadem curia: Scilicet, quod prædict' T. & I. recogn' prædict' medietates cum pertinen', ac advocationes prædictas eſſe jus ipſius A. de quibus iidem A. & L. habent de dono medietatem prædict' manerii de R. cum pertinent̃. Necnon medietatem octaginta meſſuag'. 260. acř terř, 100. acr. prati, 300. acris paſturæ, 80 acr. boſci, 200 acris jampnorum, & brueræ, 140 acr mariſci, 100 acr. moræ. & vi. ſ. vi. s. reddit̃ cum pertinent̃, in R. T. H. &c. Ac etiam advocatioñ medietatis Eccleſiæ de R. ac advocac' medietat. monaſterii ſive Prioratus de L. parcell' medietat̃ maner. tenement̃, redd̃, & advocat̃ prædict. de dono prædictorum T. & I. * Et ill' remiſer. & quiet̃ clam̃ de ipſis T. & I. & hered̃ ipſius I. predict̃ A. & L. & heredibus ipſius A. imperpetuum. Et preterea iidem T. & I. conceſſerunt p ſe & heredibus ipſius I. quod medietas manerii de W. ac mediet. 30 meſſuage, 250 acrarum terræ, centum acrarum prati, &c. cum pertinentiis in W. P. E. & W. predict. ac advocationes medietatis Eccleſiarum de P. E. & W. predict. reſid̃ medietatis maneriorum, tenementorum, reddit', & advocatioñ predict. quæ E. E. tenet ad terminum vitæ ſuæ & hereditate predict. I. die quo hæc concordia facta fuit, & quæ poſt deceſſum ipſius E. E. ad predict. T. & I. & hæredibus ipſius I. debuerunt reverter. poſt deceſſ. ipſius E. E. integre remaneant præd.

Sect. 88.

A.

A. & L. & hered ipſius A. * Tenend ſimul cum pred medietate & advocatione q eis p finem iſtum remanent de capitalibus dom feodi illius, p ſervitia q ad illas medietates & advocac' ptinent imperpetuum. Et pd T. & I. & hered ipſius I. warr pd A. & L. & hered ipſius A. pred medietates cum ptinentiis, ac advocatione pd ſicut pred eſt, contr omnes homines imperpetuum. * Et p hac recognitione, remiſſione, quieta clamat, warr, fine, & concordia, iidem A. & L. conceſſerunt prædict T. & I. pred medietatem manerii de R. & medietatem pred tenur cū ptiñ in R. T. H. &c. pred; Necnon advocationem medietatis Eccleſiæ de R. pred, ac advocationem medietatis Monaſterii ſive Prioratus de L. prædict. Et illas eis reddiderunt in eadem Curia. Habend & tenend eiſdem T. & I. & hered ipſius I. de Capitalibus dom feodi illi' p ſervitia q ad illas medietates & advocationes ptiñ imperpetuum. * Et cōceſſer etiam pred A. & L. predict medietatem manerii de W. cum pt, ac pred medietatem tenr cum ptiñ in W. P. E. &c. pred pref. T. & I. Et illas etiam reddiderunt in eadem cur; Habend & ten immediate poſt mortem pred. E. E. eiſdem T. & I. & hered. ipſius I. de capitalibus dom feodi illi', per ſervitia q ad illam medietatem & advoc' pertiñ imperpetuum.

A grant of lands by fine to two, who render to the cogniſor in generall taile, and for default of ſuch iſſue to R. T. in generall taile, the remainder to the Queens Maieſtie, her heires and ſucceſſors for ever.

Sect. 84. ET eſt concordia, &c. p pred. A. recog. ten pred. cum pert eſſe jus ipſi' I. ut ill' q idem I. & D. habent de dono predict A. Et ill' remiſit, &c. Et p hac, &c. iidem I. & D. conceſſer prefat A. tenem pred. cū pert'. Et ill' ei red. in eadem curia; Habend. & tenend. eidem A. & heredib' de corpore ipſius A. legitime procreat, p defectu talis exitus tunc tenem pred. cum pertiñ integre remaneant hered. de corpore R. T. filii pred A. & hered. de corpore eorum legitime procreat; Et p defectu talis exit. tunc tenem pred cum pertiñ remaneant Dom Elizab. nunc Reginæ Angliæ, Franciæ, & Hiberñ, hered. & ſucceſſoribus ſuis imperpetuum, &c.

A grant of lands in generall taile, to be holden of the granter in Socage, with divers remainders over in taile, with warrantie againſt all men.

Sect. 85. *Eſſex ſſ.* PRecipe S. B. arm p ten W. S. conu' de 3. meſſuag. &c. cum ptiñ in C. Et niſi, &c.

Et eſt concordia talis, ſcilicet, quod predict. S. conceſſit prefato W. tenementa pred cum pertinentiis, & illa ei reddidit in eadem curia;

Habend

Habend' & tenend' eidem W. & hered' de corpore ſuo legitime ꝓcreat' de ꝑdict' S. & her' ſuis in Socagio per fidelitatem tantum pro omnibus ſervitiis & demandis quæ ad ꝑdict' tenementa ꝓtinent imperpetuum. Et ſi contingat quod idem W. obierit ſine her' de corpore ſuo legitime procreat', tũc poſt deceſſum ipſius W. tenta ꝑd' cum ꝓtinentiis integre remanebunt I.S. Avo ꝑdict' W. & hered' de corpore ipſius I. legitime ꝓcreat'. Tenend' (*ut antea.*) Et ſi nullus heres de corpore ipſius I. fuer' legitim' ꝓcreat', tunc ꝑd' tenta cum ꝓtiñ integre revertent ad ꝑd' S. & heredes ſuos quiet' de al' hered' ꝑdictorum W. & I. Tenend' de capital' &c. Et præterea ꝑdictus S. & heredes ſui warrant' ꝑdict' W. & hered' de corpore ſuo legitime ꝓcreat', & ꝑdict' I. & hered' de corpore ſuo legitime ꝓcreat' ſi idem W. obierit ſine hered' de corpore ſuo ligitime ꝓcreat', ꝑd' tenement' cum ꝓtiñ (ſicut dictum eſt) contra omnes homiñ imperpetuum. Et pro hac, &c.

A grant of 16. acres of moore in generall taile to be holden of the graunter by Knights ſervice by ſuit of Court twice a yeare, and vi.s. rent.

Eſſex. ſſ. PRec' I. G. gen̄, quod ten̄ P.I. con̄ de ſexdecim ac' moræ cum pertiñ in K. Et niſi, &c. Sect. 86.

Et eſt concordia talis, ſcz. qd' ꝑd' I. conceſſit pref. P. tenta ꝑd' cum ptiñ, & ill' ei reddidit in eadem Curia: Habend' & tenend' tenement' predict' cum ꝓtinentiis ꝑfat' P. & heredibus de corpore ſuo legit' procreat': Tenend' de dicto I. & heredibus ſuis p ſervitum militare & ſect' Cur' ſuæ apud K. bis p annũ, ac reddend' annuatim ꝑfat' I. & heredibus ſuis ſex ſolid. &c. ad feſta, &c. p equales portiones annuatim imꝑpetuũ ſolvend'. Et ꝑd' I. warrant' tenta ꝑd' cum ꝓtinentiis ꝑfato P. & heredib' de corpore ſuo legitime ꝓcr' (ſicut dictum eſt) contra ꝑdict' I. & hered' ſuos imperpetuum. Et pro hac, &c.

A Fine ſur releas of Knights ſervice, Caſtle gard, and Murage, upon a writ of Cuſtomes and Services for a ſumme of money paied, ſaving all other Services made by conſent of the King.

HEc eſt finalis concordia facta in Curia domini Regis apud Weſtmonaſter' à die Sanct' Michaelis in xv. dies, Anno regni Regis H. filii Regis I. quinquageſimo priñ coram G. de P. & R. de M. Juſtic' & aliis domini Regis fidelibus tunc ibi ꝑſentibus, inter W. de P. quer', & H.B. defore', de conſuetudinib' & ſervitiis quæ idē W. exigerat de ꝑd' H. de libero tento ſuo qd' predict' W. tenet in W. & W. ſcz. de uno feodo Militis & dimid' cum pertineñ. Et unde idem W. exigebat de prædicto H. quod faceret ei ad Wardum Caſtri de B. quãdo evenerit & ad muragi- Sect. 87.

muragium ejuſdem caſtri cum neceſſe eſſet quantum ad prædict' tenementum pertinet. Quæ ſervitia idem H. ei non cognovit. Et unde placitum inter eos in eadem curia ſummonit' fuit, ſcilicet quod præd W. conceſſit pro ſe & heredibus ſuis, quod prædict' H. & hæred ſui, & eorũ tenent de honore de B. ſint quiet de prædict' ſervitiis imperpetuum: Salvis eidem W. & hæred ſuis, omnibus aliis ſervic' ad prædict' tenem pertinent. Et pro hac conceſſione, fine, & concordia, idem H. dedit p̃dict W. decem & octo marcas argent. Et hæc concordia facta fuit ex aſſenſu & voluntate ejuſdem dom. Regis eam concedentis. **This old fine is in** Dyer fol. 179. pla. 46.

A Fine of a Manor in poſſeſſion and other lands in reverſion.

Sect. 88. *Salop. ff.* PRrecipe W.B. quod ten F.R. convenc' de manẽ de R. cum pertinen, &c.

Et eſt concordia talis, ſcilicet, quod prædictus W. recogn manẽ & tenementa p̃d cum pertin eſſe jus ipſius F. de quibus idem F. habet p̃d manerium cum pertin, duo meſſ. & cum pertin in R. predict' parcell' tenem p̃dictor de dono predicti W. Et ill' remiſ. &c. Et conceſſit pro ſe & hæred ſuis, quod duo meſſ. cum pertin in R. p̃d reſidua tenement predictor quæ A.B. vidua tenet ad terminum vitæ ſuæ de hereditat &c. poſt deceſſum ipſi' A. integre remanẽ p̃fat F.R. & hæred ſuis. Tenend ſimul cum predicto manerio & tenement parcell' quæ ei p finem iſtum remanẽ de capitalibus dominis &c. Et p̃d W. B. & hered ſui warrant præf. F. & hered ſuis predict manẽ & tenta cum p̃tin ſicut dictum eſt contra omnes homines imperpetuum. Et p̃ hac, &c.

Fine by the husband and his wife of manors, meſſuages, &c. of the advowſion of a Church, of rent, part in poſſeſſion, and part in reverſion, with a render againe to the cogniſor and his wife for their lives without impeachment of waſt, and after to the heires of the bodies of the coniſors; and for default of ſuch iſſue to the heires of the bodie of the wife of the comiſor, and for default of ſuch iſsue, then to the right heires of T. the cogniſor for ever.

Sect. 89. *Midd. ff.* PRæcipe T.M. armig' & M. uxori ejus, quod juſte, &c. ten &c. A.S. armig' convenc' de manerio de W. iuxta Y. W. in G. & S. cum pertinentiis, Ac de CCC.l. meſſ. &c. Necnon de advocatione Eccleſiæ W. in G. in comitat prædict', Et de manerio de D. cũ p̃tinentiis, Ac de x. meſſ. &c. & vii.s. viii.d. ob. redd cum pertin in D. in com. G. Ac de manerio de S. cum pertin, Ac de ſex meſſ. &c. cum pertin in S. C. & V. in com D.

Et

Et eſt concordia talis ſcilicet, qd præd' T. & M. recogñ maneria, tenementꝫ & reddiꝫ præd' cum pertinentiis. Ac Advocationem præd' eſſe jus ipſius A. de quibus idē A. habet præd' maneria de W. juxta Y. W. in D. &c. Ac advocationem præd' in præd' comñ S. Ac prædict' manerijū de South C. cum pertinentiis. Ac præd' tenementa cum pertin' in South C. & V. præd', in præd' comñ D. parcell' manerꝫ, tenementꝫ, & redd' præd', de dono præd' T. & M. Et ill' remiſ. &c. Et conceſſerꝫ pro ſe & hæred' ipſius M. quod pred' manerium de S. pred' in p̄dicto comitatu S. * Ac etiā pred' manerium de D. cum pertinentiis in predicto comñ G. reſiduum manerioꝝ, tenementꝫ, & reddiꝫ pred' q̄ F. S. armig' & E. uxor ejus tenent ad terminum vitæ ipſius E. de hereditate pred' M. die quo hæc concordia facta fuit. Et q̄ poſt deceſſum ipſius E. ad predict. T. & M. & heredes ipſius M. debuerꝫ revertere poſt deceſſum ipſius E. integre remanebunt pred' A. S. & heredibus ſuis. Tenend' ſimul cum pred' maneriis, tenementis, & reddiꝫ quæ ei per finem iſtum remañ de capital' dñis feod' illius, per ſervic' quæ ad pred' manerium, tenementa, redd', ac advocationem pertinent imperpetuū. * Et predict' T. & M. & hered' ipſius M. warrꝫ predicto A. et hæredibus ſuis predicta maneria, tenementa, rēd' cū pertinentiis, ac advoc' pred' ſicut dictum eſt contra omnes homines imperpetuū. * Et p̄ hac &c. idē A. conceſsit præfatis T. & M. p̄d' maneria, teneñta, & red' cū pertinentiis, ac advocationem pred'. Et ill' eis redd' in eadē curia. Habend' & tenend' eiſd' T. & M. de capital' dñis &c. tota vita ipſoꝝ T. & M. & eoꝝ alterius diutius viven' abſque impetitione alicujus vaſti. Et poſt deceſſum ipſorum T. & M. pred' manerꝫ, teneñ, &c. integre remanebunt hered' ipſius T. de corporibus ipſoꝝ T. & M. legitime procreat': Tenend' &c. * Et ſi nullus hæres ipſius T. de corporibus ipſorum T. & M. fuerꝫ legitime p̄creꝫ, tunc pred' manerꝫ, &c. integre reman' hered' de corpore ipſius M. legitime procreat', teneñ, &c. Et ſi nullus heres de corpore ipſius M. fuerꝫ legitime procreat', tunc p̄d' maneria &c. integre reman' rectis hæredibus ipſius T. imperpetuum. Tenend', &c.

A fine of a Reverſion of a Rent, iſſuing out of a Mannor and ſixe Meſuages.

Eſſex. ſſ. PRæcipe, &c. q̄ juſte &c. teñ convenc' &c. de quadraginta ſolidis reddiꝫ cum pertꝫ, exeuntꝫ de manerio de F. ac de ſex meſſ. &c. Et niſi &c. Sect. 90.

Et eſt concordia talis, ſc. q̄ p̄d' I. recogñ p̄d' redd' cum pertinen' eſſe jus ipſius R. & conceſſit pro ſe & hæredibus ſuis, qd præd' redd' cum p̄tꝫ quē H. T. & A. uxor ejus tenent ad term' vitæ ipſius A. de p̄d' I. die quo hæc concordia facta fuit exeuntꝫ de p̄d' mañio &c. cum pertiñ quē I. H.

Miles modo tenet & qui poſt deceſſum ipſius A. ad p̄d̄ I. F. & hæredes ſuos debuit revertere poſt deceſſum ipſius A. integre remanebit præd̄ R. & hær' ſuis imperpetuū. Et præd̄ I.F. & hæredes ſui waṟ præd̄ R. & hæred̄ ſuis præd̄ reddit̄ cū pert̄ ſicut præd̄ eſt, contra I. Abbat. Monaſt. &c. & ſucceſſores ſuos imperpetuū. Et ꝓ hac, &c.

A fine of the Reverſion of a Rent.

Sect. 91. HÆc eſt finalis concordia facta in curia dñi reg. apud W. à die P. in xv. dies, Anno reg. E. filii Regis E. dec', corā W.B.H.S.I.B. & I. M. Iuſtic' dñi regis & aliis fidelibus tunc ibi præſentibus, inter R. P. quer̄, & I.B. deforc', de decē marcis red̄ cum pert̄ in B. quē P. de A. tenet ad terminū vitæ, unde placitū conventionis ſum̄ fuit inter eos in eadē curia, ſcilicet, q̄ præd̄ I. conceſſit ꝓ ſe & hæredibus ſuis, q̄ p̄d̄ reddit̄ cum pertinentiis quē præd' P. tenuit ad terminū vitæ ex dimiſſione p̄d̄ I. in præd̄ villa die quo hæc concordia facta fuit: & qui poſt deceſ. ipſius P. ad p̄d̄ I. & hæredes ſuos revertere debuit poſt deceſ. ipſius P. integre remaneat præd̄ R. & hær̄ de corpore ſuo ꝓcr̄: Tenend' de capital' dñis feodi illius per ſervitia q̄ ad præd' red̄ pertinent imperpetuū. Et ſi contingat q̄ idē R. obierit ſine hærede de corpore ſuo ꝓcr̄, tunc poſt deceſ. ipſius R. præd̄ reddit̄ cum pertinentiis integre remanebit rectis hæred̄ ipſius R. tenend̄ de capitali dominis feodi illius per ſervitia q̄ ad præd̄ reddit̄ pertinent imperpetuū. Et ꝓ hac conceſſione, fine, & concordia, idem R. dedit præf. I. centum marc' argenti.

A Fine of Rent ſervice, and of the homages and ſervices of divers.

Sect. 92. *Nott. ff.* PRæcipe q̄ juſte &c. ten' convenc' &c. de undeciſm̄ ſolidis reddit̄ cum pertinentiis in B. Et niſi prius &c.

Et eſt concordia talis ſcz. q̄ præd̄ E. recogn' præd' redd' cum pert' eſſe jus præd' W. Et idem E. inſuper conceſſit eidē W. reddit̄ illum cum pertinentiis ſimul cum homagio & totis ſervitiis S.F.R.L. & I. D. & hæred' ſuoṟ, de tot tenementis quot ipſi ſeperatim de ipſō E. pri' tenuerunt in præd' villa: Habend̄ & tenendū eidē W. & hered̄ ſuis de capitalibus dominis feodi illius per ſervitia q̄ ad præd̄ redd̄ pertinent imperpetuū. Et præd' E. & hær̄ ſui præd̄ red̄ cum pert̄ ſicut præd' eſt. p̄f. W. & hær̄ ſuis contra oēs hoēs waṟ imperpetuū, &c.

A Fine of 4. meſſuages, where the husband and the wife ſell the wives Iointure or dower abſolutely to him in the reverſion.

Sect. 93. *Ebor. ff.* PRæcipe T.G. armig', & B. uxori ejus, q̄ teñ I. W. & E. uxori ejus convenc' de quatuor meſ. &c.

Et eſt concordia talis, ſcilicet qd cum prædict' T. & B. habeant

&

& teneant tenementa præd' cum ꝑtiñ ad termiñ vitæ præd' B. reverſione inde præd' E. & hered' ſuis poſt deceſſ. præd B. ſpectanť, iidē T. & B. conceſſ. pref. I. & E. tenementa pred' cū ꝑtiñ, & totū & quicquid in pred' tenementis cum ꝑtiñ ad terminum vitæ ipſius B. habent, eiſdem I. & E. in ead' curia redd'. Habend' & tenend' eiſdem I. & E. & hered' ipſius E. durante tota vita ipſius B. de capitali dñis &c. Et pred' T. & B. warranť prefat I. & E. tenta præd' cum pertinenť (ſic ut dictum eſt) contra pred' T. & B. durante tota vita ipſius E. & pro hac, &c.

Tenant for terme of life, and her husband granteth her eſtate for life in a manor, meſſuages, rent, &c. to one B. who in conſideration thereof granteth to the conuſor and his wife for the life of the wife.

Suff. ff. PRæcipe L. H. & D. uxori ejus qd teñ B. B. coñ de manerio de S. cum ꝑtiñ, ac de ſex meſſuag' &c. cum pertiñ in S. Sect. 94.

Et eſt concordia talis, ſcz. ꝙ pred' L. & D. conceſſ. maneť, teneñta, & redd' cum pertiñ quæ iidem L. & D. tenent ad termiñ vitæ ipſius D. reverſione inde poſt mortem ejuſdem D. cuidam R. R. & hered' ſuis ſpectanť pref. B. B. Habend' ſibi & aſſignē ſuis tota vita ejuſdem D. Et ꝓterea iidem L. & D. conceſſ. ꝙ ipſi warranť maneť, teneñta, & redd' pred' cum pertiñ pref. B. & aſſignē ſuis, tota vita ipſius D. contra ipſos L. & D. imperpet. Et pro hac &c. idem B. conceſſit pref. L. & D. quend' annual' redd' xl. marc' legalis &c. exeunť de maneť & teneñtis præd': Habend' & percipiend' eundem annualem redd' xl. marc' prefat L. & D. pro termino vitæ ejuſdem D. ad feſta &c. per equales porciones annuatim ſolvend'. Et ſi contingat pred' annual' redd' &c.

A fine of a Reverſion of one meſſuage &c. after the death of a tenant for life.

Norff. ff. PRæc' P. A. qd teñ E. S. convenc' &c. de uno meſſuag' &c. Et eſt concordia talis, ſc. ꝙ præd' P. recogñ tenementa pred' cum pertiñ eſſe jus ipſius E. Et conceſſit ꝑ ſe & heredibus ſuis, qd predicta tenementa, quæ W. B. & A. uxor ejus tenent ad terminum vitæ ipſius A. de hereditate ipſius P. die quo hæc concordia facta fuit, Et quæ poſt deceſſum ipſius A. ad pred' P. & heredes ſuos debuerunt revert, poſt deceſs' ipſius A. integre remanebunt pred' E. S. & hered' ſuis imperpetuum tenend' &c. Et pred' P. conceſſit pro ſe & hered' ſuis qd ipſi warr' pred' tenementa cum ꝑtiñ (ſic ut dictum eſt) contra omnes homines imperpetuum. Et ꝑ hac &c. Sect. 95.

A Fine of a rent granted out of a Manor for life, with a clauſe of diſtreſſe for the ſame rent.

Sect. 96. *Lice. ff.* PRæc' A. C. viđ q̄ teñ H. C. geñ cõvenc' de annuo reddit̄ xl. s. exeunt̄ de manerio de S. cum ptineñ in S. Et niſi, &c.

Et eſt concordia talis, ſc q̄ p̄d̄ A. conceſſ. p̄f. H. p̄d̄ reddit̄ cum pertinentiis. Et il'̄ ei reddit in ead̄ Curia: Habend̄ & percipiend̄ p̄d̄ xl. s. eidem H. & aſſignatis ſuis, ad feſta Annunciat̄ beatæ Mariæ virginis & ſancti Michael' Archangeli per æquales porciones annuatim ſolvend̄, tota vita ipſi' H. &c. Et ſi contiñ p̄d̄ red' xl. s. aretro fore &c. qd' tunc bene licebit p̄f. H. & aſſignatis ſuis, tota vita ſua, in p̄d̄ maner̄ cũ ptiñ intrare & diſtringere &c. Et præd' A. & hered' ſui warrant̄ pref. H. & aſſignatis ſuis præd̄ redd̄ xl. s. cum pertiñ, ſic ut dictum eſt, contr̄ præd' A. & hered' ſuos, tota vita ipſius H. imperpetuum, &c. Et p̄ hac, &c.

A Fine whereby three ſeverall Annuities be granted out of a Manor, and after the Manor alſo is granted to one E. for life, and after the death of the ſaid E. the Manor, &c. to remaine to the ſaid E. and his heires.

Sect. 97. *Staff. ff.* PRæcipe E. B. viđ, E. B. geñ, R. B. geñ, & R. B. geñ, qd teñ R. G. geñ convenc' de manerio de H. cum pertinentiis, Ac de decem meſuagiis.

Et eſt concordia talis, ſcz. qd præd' Eliz. Ed. Baldw. Ra. & Rich. recogñ præd' maner̄, tenementa, & redd' cum pertineñ eſſe jus ipſius R. (*cum Releaſe and warrant'.*) Et pro hac, &c. idem Rog. conceſſit prefat. Edw. quandam annuitatem, ſive annualem reddit̄ vi. l. xiii. s. iiii. d. exeunt̄ de & in maner̄ & teñtis prædictis cum pertineñ. Et il' eis redd̄ in eadem Curia: Habendum & percipiendum eundem annualem redd̄ vi. l. xiii. s. iiii. đ. pref. Edw. & aſſignatis ſuis tota vita ſua ad feſta Nativitat̄ S. Ioh. Baptiſtæ, & Annunciationis beatæ Mariæ virginis, æquis portionibus annuatim ſolvend̄. Et ſi contingat, &c. Conceſſit etiam idē R. quandam annuitatem ſive annualem redd̄ vi. l. xiii. s. iiii. đ. (*ut ſupra. cum clauſ. diſtrict.*) Et ulterius idem R. conceſſit præfat̄ R. quandam aliam annuitatem &c. vi. l. xiii. s. iiii. d. modo & forma præd'. Et preterea idem R. conceſsit pref. E. præd' maner̄, tenementa, & redd' cum p̄tiñ. Et il' eis red' in eadem Curia: Habend' & tenend' pref. E. & aſsignatis ſuis tota vita ipſius E. de capitalibus dominis feodi illius &c. Et poſt deceſſ. ipſius E. præd' maner̄, teñta, & redd' cum pertiñ integr̄ remañ pref. E. & hered' ſuis. Tenend' de capit̄ &c.

A Fine

A fine of a rent out of mannors to one and his wife in taile generall, and for default of ſuch iſſue to the right heires of the husband, with a paine of 8. l. for every five weekes that the rent is behind, and for every weeke after the five weekes to forfeit viii. li. nomine pœnæ, with a clauſe of diſtreſſe.

ET ꝑ hac,&c. iidem A.& B.conceſſ. prefat̃ W.& F. quendam annu- Sect.98.
alem redditũ nonaginta libr̃, de p̃dict̃ maner̃ & tenem̃ cum ꝑtin'. Et illas ei reddider̃ in eadem curia; Habend̃ & ꝓcipiend' præd.annualem reddit̃ nonaginta libr̃,eiſdem W.& F. & hered. de corporib' ipſor̃ W.& F.legitime ꝓcr̃,ad feſta S.Mich. Archangeli, & Annunciationis beatæ Mariæ Virginis, ꝑ equales porciones annuatim ſolvend̃. Et ſi contingat qd iidem W. & F. obierint ſine hered̃ de corporibus ſuis legitime ꝓcreat̃, tunc poſt deceſſum ipſor̃ W. & F. idem annualis redd' nonaginta libr̃ integre remaneat rectis heredibus ipſius W. ad feſta predict' annuatim ſolvend̃. * Et ſi contingat predict' annuaꝫ red' nonaginta libr̃ aretro fore in parte vel in toto ꝑ ſpatium quinq; ſeptim̃, poſt aliquod feſtum feſtor̃ præd̃, quo ut ꝓfertur ſolvi debeat,non ſolut̃, (ſi legitim̃ modo petatur apud C.præd') ꝙ tunc & toties prædict' W.T. & hered̃ ſui forisfacient præd̃ W. & F. & her. de corpor̃ legit̃ ſuis ꝓcr̃, ac etiam rectis hæredibus ipſius W. ſi præd̃ W. & F. obier̃ ſine hær̃ de corporibus ſuis legitime ꝓcreatis octo libr̃ nomine pœnæ. * Et ſic qualibet ſeptimana, poſt prædict' quinque ſeptimanas octo libr̃ quoties prædict̃ annualis redd̃ nonaginta libr̃ aretro foret, quod tunc & toties bene liceret præd' W.& F.& hered.de corporibus ſuis legitime ꝓcr̃, ac etiam rectis hæredibus ipſius W. ſi iidem W. & F.obier̃ ſine hered̃ de corporibus ſuis legitime ꝓcreat̃, in præd' maneria & tenem̃ cum pertinentiis intrahere, & diſtringere, diſtrictioneſque ſic ibidem captas & habitas,abducere,aſportare, & effugare, ac penes ſe retinere, quouſque tam de præd̃ annuaꝫ redd̃ nonaginta libr̃, cum areragiis ejuſd̃ (ſi quæ fuerint) q̃ de præd̃ octo libr̃, ut prefertur, nom̃ pœnæ forisfact', poſt pred̃ quinq; ſeptimanas,& ꝑ octo libr̃ pro qualibet ſeptimana poſt p̃d̃ quinq; ſeptimanas,ut prefertur, eiſdem plene fuerit ſatisfact' & perſolut̃,&c.

A fine wherein an annuitie is granted out of five acres of Land to one in fee with a clauſe of diſtreſſe for default of payment of the ſame Annuitie.

Eſſex.ſſ. PRec' T.S.de C.armig', & A.uxori ejus ꝙ teñ W.D. conveñ Sect.99.
de quinq; acr̃ terr̃ cum pert̃ in E.&c.
Et eſt concordia talis, ſcilicet, quod prædict.T. & A. recognoverunt

tenementa pred̄ cum pertinentiis, esse jus ipsius W. ut illa quæ idem W. habet de dono p̄dict̄or̄ T. & A. Et ill̄ remisер̄ & quiet̄ clamaver̄ de se & hæredibus suis prefato W. & hered̄ suis imperpetuum. Et p̄terea predict' T. & A. concess. pro se & hered̄ ipsius T. ꝙ ipsi warrant̄ pref. W. & hered̄ suis tenementa præd̄ cum pertinent̄, contra omnes homines imperpetuum. Et pro hac &c. præd̄ W. concessit prefato T. quandam annuitatem, sive annualem redditum 20. s. legalis monetæ Angliæ exeunt̄ & exitur̄, de, & ex tenementis predict' cum pertinētiis. Et ill̄ ei reddid̄ in eadem curia; Habend̄, tenend̄, & percipiend̄ præd̄ annuitatem sive annualem reddit̄ 20. s. præd̄, pref. T. & hered̄ suis ad festa S. Martini Episcopi in hyeme, & Pentecost̄, per æquales porciones annuatim imperpetuum solvend̄. Et si, ac quoties, contingat pred̄ annuitatem sive annualē reddit̄ 20. s. pred̄ aretro fore in parte vel in toto post aliquod festum festor̄ predict', quo ut prefertur, solvi debeat, non solut̄, per spaciū quadraginta dierū, quod tunc & toties bene liceat & licebit prefat̄ T. & heredib' suis in predicta tenem̄ta cum pertineñ intrare, & distringere, districtionesq; sic ibidem capt̄, licite asportar̄, effugare, abducere, & penes se retinere, quousq; de tota predict. annuitate sive annual̄ redditu viginti solid̄ predict. una cum arreragiis ejusdem, si quæ fuerint sibi sit plenarie satisfact. & persolut̄ &c.

A fine wherein an annuitie is granted in fee, out of xx. acres of land, with suit of Court, and Heriot after decease, recease, and alienation of any tenant, with a clause of distresse for default of payment.

Sect. 100. *South. ff.* PRecipe A.B. & C.D. quod ten̄. F.G. convenc' de viginť acris terræ &c.

Et est concordia talis, scz. ꝙ pred̄ A.B. & C.D. recognoverunt tenem̄ta pred. esse jus (*ut in fine sur recognisance de droit, Release, & Warrantie*) Et pro hac &c. prædict' T. concessit pref. A.B. & C.D. quandam annuitatē, sive annualē reddit̄ xii. d̄. legalis monet̄ Angl' exeunt̄ & exitur̄, de & ex tenem̄tis pred̄ cū pertiñ. Et ill̄ eis reddidit in eadem curia; Habend̄ & percipiend̄ predict̄ annuitatem sive annualem reddit̄ 12. d. eisdem A.B. & C.D. & hered̄ ipsius A. ad festa S. Mich. archang. & Annuntiationis beatæ Mar̄ virginis, p̄ æquales porciones annuatim solvend̄. * Ac etiā præd̄ F. concessit p̄ se & heredibus suis pref. A.B. & C.D. & hered' ipsius, A. ad faciend̄ sectam annuatim cur̄ predict. A.B. & C.D. & hered̄ ipsius A. apud manerium suum de C. bis in anno super licitam monitionem inde prehabitur̄. Tenend̄. &c. Ac solvend̄ post decessum, recessum, & alienationem tam pred. F. & hered̄ suorū, quā cujuslibet alterius tenētis existeñ liberi tenentis teñtorum præd̄, vel alicujus inde p̄cell̄, optimū animal cujuslibet hm̄di tenent̄, nomine Heriot.

Herioť. *Et ſi contingat p̄d̄ annuitať ſive annualē redd̄, aretro fore in parte, vel in toto, poſt aliq̄ feſt' feſtor̄ p̄d̄, quo, ut preferť, ſolvi debeat, non ſoluť, aut ſecťā cur̄ p̄d̄ non fieri, ſive herioť p̄d̄ cū acciderit non ſolvi aut deliber̄, q̄ tunc bene licebit p̄d̄ A.B. & C.D. ac hered̄ ipſi' A. in tenťa pred̄ cū pertiñ intrare, & diſtringere, diſtrictioneſq; ſic ibid' capť, licite abducere, aſportare, ac penes ſe retinere, donec & quouſque tam de p̄d̄ annuitať ſive annual' redd̄ xii.d̄. una cum arreragiis ejuſd̄, ſi quæ fuerint quā de ſecť Cur̄ & herioť præd̄ aretro exiſteñ, eiſd' A.B. & C.D. & her̄ ipſius A. plenarie fuer̄ ſoluť, contenť, & ſatisfacť, &c.

A Fine wherein an Annuity is granted out of a manor, meſſuages, and rent in fee, payable at a certaine day, houre, and place, with a forfeiture Nomine pœna, for the default of payment of the Annuitie and paine.

Warw. ff. PRecipe A.B. armig' qđ teñ C.D. convenc' de maner̄ de L. cum pertineñ. Necnon de quatuor meſuag' & decem ſolidis redd̄, cum pertinentiis in L. pred̄ &c. Sect. 101.

Et eſt conc' talis, ſc. qd' pred' A.B. recog. (*ut in fine ſur recogniſance de droit.*) Et p̄ hac, &c. idem C. conceſſ. p̄f. A. quand̄ annuit ſive annual' redd̄ vii.lib̄r̄ legalis moneť Ang' exeunť & exituť de & in manio & teneñtis cū pertiñ. Et illā ei red̄ in ead̄ cur̄: Habend̄ & percipiend̄ p̄d̄ ānuit̄ ſive annual' reddit̄ vii.ſ. pref. A. hered̄ & aſſignatis ſuis, decimo die Sept̄ inter horam nonā ante meridiem, & horā tertiam poſt meridiem ejuſd' diei annuatim, apud domum ſive manſionalem vulgariter nuncupatum S. ſituať in foro ſuo vocato le Market ſtead in villa C. in Com̄ D. ſolvend̄. Et ſi contingat præd̄ annuitatem ſive annual' redd̄ vii.ſ. aretro fore, in parte, vel in toto, per ſpacium xiiii. dierum, poſt predictā decimam diem Sept̄ quo ut prefertur ſolvi debeat, non ſoluť, quod tunc pred' C. & hered' ſui forisfacient eidem A. & heredibus ſuis xiii.s.iiii.d̄ nomine p œnæ, toties quoties pred' annuitas ſive annualis reddit', aut aliqua inde parcella, ſic aretro fore contigerit. Et bene licebit pred' A. & heredibus ſuis in pred' manerium, & cetera premiſſa cum pertineñ, & in quamlibet inde parcel' intrare, & diſtringere, tam p̄ pred' annuitate ſive annuali reddit̄ vii.ſ. & p̄ qualibet inde parcell', quam p̄ predict̄ xiii.s. iiii.d̄. nomine pœnæ eidem A. & heredibus ſuis forisfact̄ toties quoties ſic aretro fore contigerit non ſoluť, diſtrictioneſque ſic ibid̄ capť, & habit̄, licite abducere, aſportare, & effugare, & penes ſe retinere, quouſque tam de pred' annuit̄ ſive annuali redditu vii.ſ. quam p̄ pred' xiii.s.iiii.d̄. nomine pœnæ toties forisfact' plenarie fuer̄ eidem A. & heredibus ſuis ſatisfact̄ & perſoluť, &c.

A Fine in which the Cognisors grant to the Cognisees in taile, an annuall rent of foure pound issuing out of a Manor payable at two feasts in the yeare, with a clause of distresse for the said rent, and for twentie shillings Nomine pœnæ if the rent be not paied.

Sect. 102. *Staff. ss.* PRæcipe, &c. quod juste, &c. teñ convenc' &c. de manerio de B. Et nisi, &c.

Et est concordia talis, scil. quod pred' I. B. & E. recognñ manerium pred' cũ pertiñ esse jus ipsius R. ut ill' quæ iidẽ R. & M. habent de dono pred' I. & E. Et ill' remiseř & quieẽ clamñ de ipsis I. E. & heř ipsius E. præd' R. & M. & heř ipsius R. imperpetuum. Et præterea iidem I. & E. concesseř ꝑ se & hered' ipsius E. qđ ipsi warranẽ p̄đ manerium cum ꝑtiñ prefaẽ R. & M. & heř ipsius R. contra omnes homines imperpetuũ. *Et ꝑ hac recognitione, remissione, quieẽ clamatione, wař, fine & concordia iidem R. & M. conceſſ. ꝑ se & hered' suis pref. I. & E. & hered' de corpore ipsius E. legitime ꝑcreaẽ, quatuor libras red', exeunẽ de mañto pred' cum pertineñ. Et ill' eis redd' in eadem Curia. Habend' & percipiend' singulis annis, sc. unã medietaẽ inde ad festum S. M. & aliam medietaẽ inde ad festum Annuntiationis beatæ Mař virginis iisdem I. & E. & heř de corpore ejusdem E. legitime ꝑcř, æquis procionibus annuaẽ solvēd' per man' teñtium qui idem manerium cum pertiñ imposteř tenebunt. Et præterea iidem R. & M. conceſſ. ꝑ se & hered' suis, ꝙ si p̄d' redd' ad aliquem tminum, quo solvi debeat, aretro fueř in ꝑte, vel in toto ꝙ tunc bene licebit pf. I. & heř de corp' ipsius E. legitime ꝑcř, distriñ præd' R. & M. & heř suos, ac illos qui idem mañium imposteř tenebunt ꝑ oĩa bona & catalla in eod' manerio cum pertinen' inveniẽ, ꝑ xx. solid' nomine pœnæ, ꝑ quolibet tmino, sic areẽ existenẽ ꝑ spacium unius mensis. Et ea retinere usq; ad plenam soluc' tam de p̄d' quatuor libř redd', quam de p̄d' xx. solid' nomine pœnæ quæ eis sic areẽ fueř, &c.

A Writ of Covenant for the King, for the Tithe Corne of a Parish, and the manner of the Endorsement thereof, by his Atturney Generall.

Sect. 103. *Essex. ss.* PRæcipe A. B. & C. ꝙ teñ nobis conveñ inter nos & ꝑfaẽ A. & C. factam de omnibus & omnimod' decimis granoř crescen̄, ꝑvenien̄, sive renovañ infra parochiam de Hoton. Et nisi fecerint, sumñ per bonos summoniẽ, &c.

Hoc breve indorsetur sic.

Edwardus Coke armig' Attorñ domiñ Reg. generalis pro eodem domino Rege sequitur hoc breve.

A Fine knowledged by T.W. to I.R. of one meſuage, one barne, of land, meadow, and paſture, and warranty againſt all men.

Eſſex. ſs. PRæcipe T. W. ar' ꝙ juſte, &c. teneat I. R. convenc' inᵗ eos facᵗ', de uno meſſuagio, uno horr', 25. acris terræ, quatuor acris prati, & decem acris paſtur' cum ptiñ in L. Et niſi, &c. Sect. 104.

Et eſt concordia talis, ſc. qd' pred' T. recogñ tenᵗa pred' cum pertinentiis eſſe jus ipſi⁹ I. ut illa quæ idem I. habet de dono pred' T. Et illa remiſit & quiete clamavit de ſe & hered' ſuis imperpetuum. Et ꝑterea id' T. conceſſit ꝑ ſe & her' ſuis qd' ipſe warrantᵗ tenᵗa pred' cum pertiñ ꝑf. I. & her' ſuis contᵗ omnes homines imꝑpetuum. Et ꝑ hac recogñ, &c.

A Fine knowledged by T.B. and E. his wife, of a Manor, of two meſſuages, of land, paſture, wood, and rent, and five ſhillings rent to I. K. with warranty againſt all men; and the ſaid I. K. by the ſame Fine granteth and rendreth back again the premiſſes to the ſaid Conuſors, and to the heires of the ſaid T. one of the ſaid Conuſors for ever.

PRæcipe T.B. & E. uxori ejus qd' juſte &c. teneant W. L. & I.K. conventiones inᵗ eos facᵗ' de maner' de W. cum pertiñ ac de duob⁹ meſuagiis, octaginta acr' terræ, centum acr' paſturæ, ſexaginta acr' boſci, & quinq; ſol' redditus cum pertiñ in H. & B. Et niſi, &c. Sect. 105.

Et eſt concordia talis, ſc. quod pred' T. & E. recognoverunt maner' tenᵗa & reddiᵗ pred' cum pertiñ eſſe jus ipſi⁹ W. ut illa quæ iidem W. & I. habent de dono pred' T. & E. & illa remiſerunt & quiete clamaverũt de ipſis T. & E. & her' ſuis pref. W. & I. & hered' ipſius W. imperpetuum. Et præterea iidem T. et E. conceſſer' ꝑ ſe & hered' ipſius E. quod ipſi warrantᵗ maneria, tenementᵗ & reddiᵗ pred' cum pertinentiis pref. W. et I. & hered' ipſius W. contra omnes homines imperpetuum. Et ꝑ hac recognitione &c. iidem W. et I conceſſer' pred' T. manerium tenementa et redd', pred' cum pertin' & illa ei reddiderunt in eadem Curia. Habend' & tenend' eidem T. et hered' ſuis imperpetuum.

A Fine knowledged by H.K. and I. his wife, I.C. and K. his wife, to R.G. of one meſuage, one garden, of land and paſture, and the ſame Conuſors for them and the heires of Jo. doe warrant two parts of the premiſſes in three parts divided to the Conuſee and his heires againſt all men for ever.

PRæcipe I. H. et I. uxor' ejus ꝙ juſte, &c. ten' R. G. conven' inter eos facᵗ de uno meſſ uno gardin' 40. acris terr', et 4. acris paſturæ cum pertin' in &c. Et niſi, &c. Sect. 106.

Et

Et eſt concordia talis, q̄ p̄d̄ I. & I. recogñ teñta p̄d̄ cum ptiñ eſſe jus ipſius R. ut illa q̄ idem R. habet de dono p̄d̄ H. & I. I. & K. & illa remiſ. & quiet̄ clam̄ de ipſius H. & I. I. & K. & her̄ ſuis p̄f. R. & hæred̄ ſuis imperpet̄. Et preterea iidem H. & I. I. & K. conceſſe. p̄ ſe & hered ipſius I. q̄ ipſi warr̄ duas partes teñtor̄ p̄d̄ cum p̄tiñ in tres partes divid̄ p̄f. R. & hered̄ ſuis contra omnes homines imperpet̄. Et p̄ hac, &c.

A Fine knowledged by I. F. Knight, and M. his wife, and R. H. of two meſſuages, one garden, one orchard, and of land, meadow, and paſture, to T. P. and I. K. with warranty againſt all men. And the Conuſees by the ſaid Fine grant, and render to the ſaid R. one of the Conuſors in the Fine, ſix acres of land, &c. parcell of the premiſſes for one month to come next, and afterwards the ſame to remain to one I. now the wife of R. N. and R. N. ſon of the ſaid R. and I. during their lives, and the longer liver of them. And after their deceaſes the ſaid ſix acres of land to remain to I. N. daughter of the ſaid R. and I. his wife, during her life, reſerving a rent with clauſe of diſtreſſe for non paiment thereof, and the reſidue of the premiſſes, viz. the two meſſuages, one garden, one orchard, &c. the ſaid Conuſees grant and render to R. H. for one moneth, and afterwards to one R. N. and I. his wife. To have and to hold to the ſaid R. and I. during their lives, and the longeſt liver of them, reſerving alſo thereupon a rent with a clauſe of diſtreſſe for non payment thereof. And laſtly the ſaid Conuſees do grant and render the reverſion of the whole premiſſes, and the ſeverall rents reſerved upon the ſaid grants and renders unto the ſaid I. F. and M. his wife, two of the ſaid Conuſors, and to the heires of the ſaid I. F. for ever.

Sect. 107. PRec' I. F. milit̄ ac M. ux' ejus, & R. H. q̄ juſt' &c. teñ T. P. & I. K. &c. de ii. meſſ. i. gard. i. pom̄, xxi. acris terræ, ix. acris prat̄, & lviii. acris paſtur̄ cum pertiñ in M. Et niſi, &c.

Et eſt concordia talis, ſcz. quod pred̄ I. M. & R. recognoverunt teñt pred̄ cum p̄tiñ eſſe jus ipſius T. ut ill̄ q̄ id̄ T. & I. habent de dono pref. M. & R. Et ill̄ remiſ. & quiet̄ clam̄ de ipſis I. M. & R. & hered̄ ſuis p̄d̄ T. & I. & her̄ ipſius T. imp̄pet̄. Et p̄terea iid̄ I. F. M. & R. conceſ. p̄ ſe & her̄ ipſius I. q̄ ipſi warr̄ teñt p̄d̄ cū p̄tiñ p̄f. T. & I. & hæred̄ ipſi⁹ T. cōt oēs hoīes imp̄pet̄. Et p̄ hac, &c. iid T. & I. conceſ. p̄d̄ R. vi. acr̄ tre, iii. acr̄ prat̄, & 46 acr̄ paſt. de teñtis p̄d̄ cum p̄tiñ & ill̄ ei redd̄ in ead̄ Cur̄. Hēd̄ & teñd̄ eid̄ R. pro tm̄ uni⁹ menſis jā prox' futur̄. Et poſt tm̄ ill̄ fin̄ eaſd̄ 6. acr̄ tr̄æ, 3. acr̄ prat̄, 46. acr̄ paſt. cū p̄tiñ integr̄ rem̄ cuid̄ I. modo ux' cujuſd̄ R. N. & cuid̄ R. N. filio eor̄ R. & I. Hēd̄ & teñd̄ p̄f. I. & R. tota vita ipſor̄ I. & R. & eor̄ alteri⁹ diuti⁹ viven: Et poſt deceſſ. eor̄ I. & R. eaſd̄ 6. acras terr̄, 3. acras prati, & 46. acras paſt. cum p̄tiñ integre remañ I. N. filiæ p̄d̄ R. & I. uxor̄ ejus. Hēd̄ & tenend̄ eid̄ I. filiæ tota vita

Warrantie.

The render of the parcell of the premiſſes.

The rent.

vita ejuſd̄ I. filiæ redd̄ inde annuat̄ pred̄ T. & I. & her̄ ſuis cent̄ & 8. s. 10. d. ad feſtū Annuñ, &c. p æquales porc' annuat̄ ſolvend̄. Et ſi cōtingat pred̄ annuat̄ reddit̄ C viii. s. x. d. vel aliquam inde ꝑcellam à retro fore in ꝑte vel in toto ꝑ aliqd̄ feſtum feſtorum p̄d̄ quo ſive quibus (ut prefertur) ſolvi debeat non ſolut̄. Qd̄ tunc bene liceat pred̄ T. & I. her̄ & aſſignī ſuis tam tota vita natur̄ pred̄ I. & R. N. modo uxor̄ pred̄ R. & eor̄ alterius diuti⁹ viveñ quam tota vita pred̄ I. fil̄ in pred̄ 6. acr̄ terr̄ &c. cum ptiñ & in quamlibet inde parcel̄ intrare & diſtringere, & diſtrictioñ ſic ibid̄ capt̄ liceat inde abducere, effug' & penes ſe retinere quouſq; de pred̄ annuali reddit̄ C viii. s. x. d. & de qualibet inde parcell̄ una cum arrer̄ ejuſd̄ ſi q̄ fuerint eis plenar̄ fuer̄ ſatisfact̄ & perſolut̄. Et ulteri⁹ iidem T. & I. conc' pred̄ R. H. duo meſſuagia, unum pomar̄, unum gardiñ, 16. acr̄ terr̄, 3. acr̄ prat̄, & 12. acr̄ paſtur̄ reſid̄ cum pertiñ teñtor̄ pred̄. Et illa ei redd̄ in eadem curia. Habend̄ & tenend̄ eid̄ R. pro termino unius menſis. Et poſt terminum ill̄ finit̄, eadem duo meſſuagia, unum gard̄, unum pomar̄, 16. acr̄ terr̄, tres acr̄ prat̄, & duodecē acr̄ paſtur̄ reſid̄ integre remañ cuid̄ R. N. & I. uxori ejus. Habend̄ & tenend̄ eiſdem R. N. & I. tota vita ipſor' R. N. & I. & her̄ eorum alterius diuti⁹ viveñ. Reddend̄ inde annuatim pred̄ T. & I. & her' eorum 13. s. legalis monete Ang' ad feſta pred' per equales porcioñ ſolvend̄. Et ſi contingat pred̄ annuat̄ reddit̄ 13. s. aut aliquam inde parcellam à retro fore in parte vel in toto poſt aliqd' feſtum feſtor' pred̄, quo ut preferī ſolvi debeat non ſolut̄. Qd̄ tunc bene licebit pref. T. & I. in pred̄ duo mes', unum gard', unum pomar̄, 16. acr' terr', 3. acr̄ prat̄, & 12. acr' paſtur' reſid̄ cum ꝑtiñ, & quamlibet inde parcell̄ intrare & diſtringere, diſtrictioneſq; ibidem ſic capt̄ liceat abinde abducere, effugare, & penes ſe retinere quouſq; de pred̄ redd' 13. s. una cum arrerag' ejuſdem ſi que fuerint plenar' fuerint ſatisfact̄ perſolut̄. Conc' etiam pred' T. & I. K. pred̄ I. F. & M. reverſioñ omnium & ſingul̄ teñtor̄ pred' cum ꝑtiñ & omnes red̄ pred' ſuper̄ reſervat̄, & illa eis reddider' in ead' curia. Habend' & tenend' eiſd' I. & M. & her̄ ipſius I. imꝑpetuum de capit̄ dñis feodi illi⁹ per ſervitia quæ ad p̄d̄ teñt̄ cum ꝑtiñ ꝑtinent imperpetuum.

A clauſe of diſtreſſe.

The render of reſidue.

Rent for the reſidue.

A clauſe of diſtreſſe.

The render of the reverſion of all the premiſſes and all the rents reſerved.

A fine knowledged by G. H. and D. his wife. T. S. Eſquire, & M. his wife of xl. acres of land to R. B. and W. N. with warranty. And the conuſees doe grant and render to the ſaid D. and to his heires, all mines of coals in a cloſe parcell of the premiſſes called Stanley field, with liberty to dig for the ſame.

PRecipe G. H. arm̄ & D. uxori ejus, T. S. arm̄, & M. uxor̄ ejus, quod juſte, &c. teneant R. B. & W. W. conventionem inter eos fact' de 40. acris terræ cum pertiñ in Stanley & Spendon. Et niſi, &c. Sect. 8.

Et eſt concordia talis, ſc. quod pred' G. D. T. & M. recognover' tenementa pred' cum pertiñ eſſe jus ipſius R. ut illa quæ iidem R. & W. habent

habent de dono pred̄ G.D.T.& M. Et illa remiſerunt & quiet̄ clamaver̄ de ipſis G.D.T. & M. & hered.ſuis pref.R.& W.& hered̄ ipſius R. cont̄ pred' G.D.T.& M.& hered.ipſius T.imppetuum.Et p̄ hac recognitione,&c.pred̄ R.& W.conceſſerunt p̄f.G.D. omnes mineras carbonum vocat̄ **all Mines of Coles**,exiſten̄ in quodam campo parcel̄ tenem̄ pred̄ vocato **Stanley field** : necnon lib̄ ingreſſum & egreſſum in & ſup̄ pred.camp̄ de ſodend̄ in mineris illis p̄ carbonibus illis omni tẽpore anni ad liberum ipſorum G.& D.& hered.ejuſdem D.Et illa omnia eis reddiderunt in eadem cur̄. Habend̄ capiend̄ & p̄cipiend' pred' miner̄,ingreſſus,egreſſus,ac libertat̄ p̄d̄ cum pert̄ p̄f. G.& D. & hered̄ ipſius D. imperpetuum.

The Conuſees doe graunt & render coale mines in part of the premiſſes to two of the conuſors and liberty to get them.

A Fine acknowledged by W. K. and K. his wife, of the third part of one meſſuage, one barne, one garden, &c. to I. K. and T. H. with warranty againſt all men; and the ſaid Conuſees doe grant and render to the ſaid S. one of the conuſors, the ſaid third part of the premiſſes from Mich. or the Annunciation, &c. which firſt ſhall happen to be next after the death of one E. now the wife of W. T. for the terme of 21 yeares, reſerving a rent yearely to the Conuſees with a clauſe of diſtreſſe for the ſaid rent. And laſtly, the ſaid Conuſees grant and render the reverſion of the ſaid premiſſes to W. K. and K. his wife, being two of the ſaid Conuſors in the ſaid fine, and to the heires of the ſaid K. for ever.

Sect.109.

PRæcipe W.K.& K.uxori ejus quod juſte,&c.teneant I.K.& T.H.conventionem inter eos fact̄ de tertia parte uni⁹ meſſuagii,unius horrei,unius gardini,xxx.acrarum terræ,duarum acrarum prati, & x. acrarum paſturæ cum pertineñ in,&c. Et niſi, &c.

Et eſt concordia talis,ſc.quod pred. W.K. & S. recognoverunt tertiam partem pred̄ cum pertiñ eſſe jus ipſius I.ut illa quæ iidem I. & T. habent de dono pred̄ W. K. & S. Et illa remiſerunt & quiet̄ clamaverunt de ipſis W.K.& S. & hered' ſuis pref.I.& T. & hered̄ ipſius I. imperpetuum. Et preterea iidem W. K. & S. conceſſerunt p̄ ſe & hered̄ ipſius K. quod ipſi warrant̄ tertiam partem prædict' cum pertinentiis prefat̄ I. & T. & hered'ipſius I. contra omnes homines imperpetuum. Et pro hac recognit̄ iidem I. & T. conceſſer̄ predict' S. tertiam partem pred' cum pertiñ & illam ei reddiderunt in eadem Curia. Habend̄ & tenend̄ eidem S.à feſto Sancti Michael̄ Arch. vel à feſto Annunc' beatæ Mariæ Virginis quod prius & proxim̄ contigerit vel erit poſt mortem cujuſdam E. modo uxoris W. T. & nuper uxor̄ R. C. defunct' uſque ad finem & terminum xxi. annorum ex tunc proxim̄ ſequeñ & plenar̄ complend̄ ; Reddend̄ inde per Anñ pred̄ I. & T. xii. d.ad

Warranty.

The render.

d. ad feſtum Annuntiationis beatæ Mariæ virginis & ſancti Michael Archang' p æquales porciones ſolvend'. Et ſi contingat præd' annualem redd' xii.d. vel aliquam inde parcellam aretro fore in parte vel in toto poſt aliqd feſtum feſtor pred' quo ut prefertur ſolvi debeat nou ſoluț, qd' tunc bene licebit pref. I. & T. hered & aſſign ſuis in tertiam partem pred' cum pertiñ, & in quamlibet inde parcell' intrare & diſtringere, diſtrictioneſq; ſic ibid' capț liceat ab inde abducere, effugare, aſportare & penes ſe retinere, quouſq; de præd' annuali redd' xii.d.& de qualibet inde pcella una cum arreragiis ejuſd' ſi quæ fuerint, plenarie eis fuerit ſatisfact' & perſoluț. Conceſſer etiam præd' I. K. & T. H. præd' W.& K. reverſionē iii.partis præd' cum pertiñ & redd' præd' ſuperius reſervaț. Et illa eis reddider in ead' curia. Habend' & tenend' eiſd' W. & K. & hered' ipſius K. imperpeț de capitaľ dñis feod' illius per ſervic' quæ ad eandem tertiam partem pertinent imperpetuum.

Clauſe of diſtreſſe for the rent.

The grant of the reverſion and the rent reſerved vpon the leaſe for 21. yeares.

A Fine knowledged by W. P. and M. his wife, of a Manor, &c. one water mill, one wind mill, three dovehouſes, &c. to E.B. and R.C. and the Conuſees by the ſame Fine do grant unto the ſaid M. a yearely rent of xii. li. going out of the ſaid Manor: Habendum *from Michaelmas or the Annuntiation next after the death of the ſaid W. P. her husband, and one of the Conuſors in the ſaid Fine during her life, in the full recompence of her title of Dower or Iointure in any of the Lands of her ſaid husband, with a clauſe of Diſtreſſe for the ſaid rent. And laſtly, the ſaid Cogniſees grant and render againe the ſaid Manor, &c. to the ſaid W. P. the Conuſor, and husband to the ſaid M. and to his heires for ever.*

ET eſt concordia talis, ſc. quod præd' W. & M. recogñ manerium & teñta præd' cum pertiñ eſſe jus ipſius E.& R. ut illa quæ iidem E.& R. habent de dono præd' W. & M. Et illa remiſerunt & quiete clamaver de ſe & hered' ſuis pref. E.& R. & hered ipſius E. imperpetuum. Et preterea iidem W. & M. conceſſer p ſe & hered' ipſius W. quod ipſi warr maner & teñta pred' cum pertiñ pref. E.B. & R. & hered' ipſius E. contra omnes homines imperpetuum. Et pro hac recognitione &c. iidem R. & E. conceſſer pref. M. quendam annualem redd' xii. ſ. exeuñ de pref. Manerio & tenementis cum pertiñ. Habend' & tenend' & annuatim percipiend' pred' annualem reddit xii. ſ. pref. M. & aſſigñ ſuis à feſto ſancti Michael Archangeli vel Annunc' beatæ Mariæ virginis proxim & immediate ſequent poſt mortē pred' W. pro & durante vita naturali ejuſdem Mariæ ad duos anni terminos, viz. ad feſta ſancti Michael Archangeli & Annunc' beatæ Mariæ virginis equalibus portionibus annuatim ſolvendū in plenam recompenſationem totius tituli vel Junctura ſive dotis quæ eidem M. contingere debent de aliquibus terris

Sect. 110.

Warrantie.

A grant of a rent in recompence of iointure & dower.

terris vel tenẽtis pred̃ W. P. Et ſi contingat pred̃ annuã redd̃ xii.ſ. vel aliquam inde parcellam à retro fore p̃ aliquod feſtum feſtorum præd̃ quo ſive quibus ut prefertur ſolvi debeat. Quod tunc & toties bene licebit pred̃ M. & aſſignẽ ſuis in pred̃ manerẽ & tenement̃ ſive in aliquam inde p̃cellam intrare & diſtringere, & diſtrictiõ ſive diſtrictiones ſic ibid̃ capt̃ abducere, effugare, & penes ſe retinere quouſq; de præd̃ annuali redd̃ xii.ſ. & de qualibet inde parcella una cum arreragiis ejuſdem ſi quæ fuerint plenarie ſatisfact̃ fuerint & perſolut̃ : Et ulterius iidem E. & R. conceſſerẽ pred̃ W. manerẽ & tenẽta pred̃ cum ꝑtiñ & illa ei reddiderẽ in ead̃ curia : Habend̃ & tenend̃ præd̃ manerẽ cum pertiñ pref. W. & hered̃ ſuis imperpet̃. Tenend̃ &c.

The render of the manor, &c to the conuſor and his heires for ever.

A fine knowledged by I. G. and M. his wife to R. R. Knight, Lord R. of one meſſuage, one barne, and c.v.s. rent, the Parſonage of B. and the advowſon of the vicarage of B. with warrantie againſt the conuſor and his wife, and the heires of the husband.

Sect. 111.

PRecipe I. G. alias G. & M. uxori ejus qd̃ ipſe &c. teneat R. R. milit̃ Domino R. conventionem &c. de uno meſuagio, uno horr̃, xv. acr̃ terræ vi. acris prati, xx. acris paſturæ, & v.s. redd̃ cum pertiñ in B. ac de rectoria de B. pred̃. Necnon de advocat̃ vicar̃ Eccleſ. de B. Et niſi &c.

Et eſt concordia talis, ſc. quod præd. I. & M. recognoverẽ præd̃ tenẽta redd̃ & rectoriam cum pertiñ ac advocac' præd̃ eſſe jus ipſius dñi R. ut illa quæ idem dñus R. habet de p̃d̃ I. & M. & illa remiſerẽ & quiete clam̃ de ipſis I. & M. & hered̃ ſuis pref. dñi R. & hered̃ ſuis. Et p̃terea iidem I. & M. conc' p̃ ſe & hered̃ ipſius I. qd ipſi warrant̃ præd̃ dño R. & hered̃ ſuis pred̃ tenẽta redd̃ & rectoriam cum p̃tiñ ac advoc' p̃d̃ contra pred̃ I. & M. & hered̃ ipſius I. imperpet̃. Et pro hac, &c.

A fine knowledged by J. S. and M. his wife of one garden, &c. with two ſeverall warranties. The firſt warrantie againſt the conuſors and their heires onely : and in the ſecond, the ſaid I. S. and M. his wife grant to warrant the premiſſes for them and the heires of the husband againſt all men.

Sect. 112.

PRecipe I. S. & M. uxori ejus qd juſte &c. teneant N. W. convenc' inter eos fact' de uno gardino, & decem acris terræ, cum pertiñ in S. Et niſi &c.

Et eſt concordia talis, ſc. quod pred̃ I. & M. recognoverẽ tenẽta præd̃ cum pertiñ eſſe ejus ipſius N. Et illa remiſerunt & quiete clam̃ de ipſis I. & M. hered̃ ſuis prefat̃ N. & hered̃ ſuis imperpetuum. Et preterea iidem I. & M. conceſſ. pro ſe & hered̃ ipſius I. quod ipſi warran-

The firſt warrantie.

tiza-

tizabunt tenta præd cum pert præf. N. & hæred ſuis imperpetuum. Et preterea iidem I. & M. conceſ. p ſe & hær ipſius I. q ipſi war præd tenementa cum pref. N. & hær ſuis contra omnes hoes imperpetuum. Et pro hac, &c. The ſecond warrantie.

A fine knowledged by E.R. of a mannor, &c. twelve meſſuages, x toſts, x gardens, two Wind-mills, &c. and ſixe pound rent, with Warrantie againſt all men.

PRecipe E.R. arm, qd juſte, &c. teneat H.W. gen, convētionem inter eos fact' de manerio de S. cum pertin, ac de xii meſſuagiis, x toftis, x gardinis, duobus molēd ventil', 600. acris tr, 40. acris prati, 6. acris paſturæ, duc' ac bosci, quingent acris jampn & brueræ, & 6. l. red cū pert in, &c. Et niſi, &c. Sect. 113.

Et eſt concordia talis, ſc. quod pred E. R. recognovit manerium tenta & red pred cum pertinentiis eſſe jus ipſius H. W. ut ill q idem H. habet de dono pred E. Et illa remiſit & quiete clamavit de ipſo E. & her ſuis pred H. & her ſuis imperpetuum. Et pretera ide E. conceſſit pro ſe & her ſuis q ipſi warrantizabunt pred' A. & hær ſuis maner, tenem & red pred cum pertinentiis, contra oes hoes imperpetuum. Et p hac, &c.

A Fine acknowledged within the Countie of Cheſter, by H.S. Eſq. to W.F. & R.C. of divers mannors, &c. with warrantie againſt all men. And the conuſors by the ſame Fine grant and render the ſame mannors &c. unto the conuſor and his heires males, and for default of ſuch heires males, then to certaine perſons for the life of I. S. brother unto the ſaid Conuſor, and after his death to his heires males. And if the ſaid I.S. died without heire male, then to divers other of the name and kindred of the Conuſor, and to their heires males, and for default of ſuch heires, the laſt remainder in fee to the right heires of the conuſor for ever.

HÆc eſt finalis concordia fact' in curia domini regis apud Ceſtriam die Lunæ, &c. Anno &c. coram M. H. milit Juſticiario dom regis & aliis domini regis fidelibus tunc ibid preſentibus inter W. F. & R.C. quer, & H. S. de O. in com Ceſtriæ arm, de maner de O. & O. cum pertinentiis, ac de xiiii. meſſuagiis 500. ac ter, 200. ac prati, 500. ac paſturæ, 60. ac bosci, C. ac mori & mariſci, & ii.s. redd t cum pertin in O.O. in C. & W. ac de medietate manerii de E. cum pertin, & de 6. meſſuagiis, C. acris terræ, C. ac prati, xx. ac paſturæ, ii. acris boſci, xx. acris jampnorum & brueræ cum pertinentiis in E. Vnde Sect. 114.

pla-

placitum conventionis ſummonit̄ fuit inter eos in eadem cur̄, ſcil' qd p̄d' H. recogn̄ manet̄ tenta & reddit̄ p̄d̄ cum pert̄, ac præd' medietatem ſuam manerii de E. & præd̄ tenem' in E. præd' cū pertin̄ eſſe jus ipſius W. ut illa q̄ iidem W. & R. C. habent de dono p̄dict' H. Et illa remiſer̄ & quiete clamaver̄ de ipſo H. & hæred̄ ſuis præf. W. & R. & hered̄ ipſius W. imperpetuum. Et preterea idē H. conceſſit pro ſe & hæred̄ ſuis q̄ ipſe & hered̄ ſui warrant̄ maneria, tenta, & reddit̄ prædict' ac præd' medietatē prædict̄ manerii de E. & prædict' tenta in E. prædict' cum pertin' præf. W. & R. & hered' ipſius W. contra omnes hoēs imperpetuum, Et pro hac recogn̄, remiſſione, quiet̄ clam̄, war̄, fine, & concordia prædict̄ W. & R. in eandē Curia conceſſer̄ præf. H. M. manet̄ tenta & reddit̄ præd' ac præd' medietat̄ præd̄ man̄ de E. & præd' ten̄ in E. p̄d̄ cum pertin̄, & illa ei reddider̄ in eandē Cur̄: Habend' eidem H. & hær̄ maſculis de corpore ſuo legitime procreat̄. Et ſi cōtingat præd' H. obire ſine hæred' maſculo de corpore ſuo legitime ꝓcr̄. Qd tunc prædict̄ manet̄, tenta & reddit̄, ac prædict' medietas præd' manerii de E. ac p̄d̄ tenta in E. cum pertin' poſt mortem p̄d̄ H. S. R. S. filio & hæred̄ apparen' T. S. arm̄ R. S. filio E. S. R. B. & E. B. pro termino vitæ I. S. fratris p̄d̄ H. remaneant. Ita q̄ manet̄ tenta & red' præd̄ ac prædict̄ medietat̄ predict̄ manet̄ de E. & predict̄ tenta in E. cum pertinentiis poſt mort̄ præd̄ I. S. hæred̄ maſculis de corpore predict̄ I. legitime procreat̄ remaneant. Et ſi contingat eidem I. S. ſine hæred' maſculo de corpore ſuo legitime procr̄ obire, qd tunc manet̄ tenementa & reddit̄ p̄d̄, ac p̄dict̄ medietas pred' manerii de E. & pred̄ tenement̄ in E. pred' cum pert̄, T. S. de S. armig' & hæred̄ maſculis de corpore ſuo legitime procr̄ remaneant. Et ſi contingat predict' T. S. ſine hæred̄ maſculo de corpore ſuo legitime procr̄ obire, qd tunc predict' maner', tenementa & red̄, ac pred̄ medietas dict. manerii de E. & predict. tenementa in E. pred̄ cum pertineñ T. S. filio G. S. & hæred' maſculis de corpore ejuſdem T. S. filii predict' G. legitime procr̄ remaneant, &c. Et ſi contingat eidem G. ſine hærede maſculo de corpore ſuo legitime procr̄ obire, quod tunc manet̄ teneñ & redd̄ predict̄ ac predict̄ medietas dict' manet̄ de E. & tenementa p̄d̄ in E. pred̄ cum pert̄ rectis hered̄ præf. H. S. remaneant imperpetuum.

Warrantie.

The render.

Remainders in Taile.

The Remainders after the death of I.S. the Conuſors brother to the heirs male of the ſaid I.S.

The other remainders if the ſaid I.S. die without heire male.

The laſt remainder in fee to the right heires of the Conuſor for ever.

A Fine knowledged before the Iuſtices of Cheſter by B. P. and E. his wife, of a Mannor, &c. one Water-mill, one Dove-houſe, one Garden, two Orchards, &c. with warranty.

Sect. 115.

PRæcipe B. P. & E. uxori ejus quod juſte &c. teneant I.S. Arm̄, conventionem inter eos fact̄ de Manr̄ de O. al̄ O. ac de uno molendino aquatico, uno columbario, uno gar-

gardino, duobus pomariis, centum acr̃ terræ, ſexaginta acr̃ prati, ducent̃ acr̃ paſturæ, quadraginta acris boſc', centum acr̃ bruere, treſcent̃ acris more, centum acris turbariæ, quinquaginta acris mariſci, triginta acris terræ aqua cooperт̃ cum pertinentiis in O. Et niſi, &c.

Et eſt concordia talis, ſcz. qd pred' B.E. recogn̄ manerium & tenemenť pred̃ cum pertiñ eſſe jus ipſius I. Et ill̃ remiſ. & quiet̃ clam̃ de ſe & hæred̃ ſuis præfat̃ I. & hered̃ ſuis imperpetuum. Et preterea præfat̃ B. & E. conceſſ. pro ſe & hæred̃ ipſius B. quod ipſi warranti- Warrantie.
zabunt maneria & tenementa predict' cum pertinentiis præfat̃ I. & hered̃ ſuis contra prefat̃ B. & E. & hered̃ ipſius B. imperpetuum. Et ꝓ hac &c.

A Fine knowledged by an Earle and his wife of a manor, advowſon, liberties, free warren, and free fiſhing, and a fould courſe for 2000. ſheepe.

PRecipe Tho. comiti Suſſex & Fran. uxor̃ ejus quod juſte &c. Sect. 116.
teñ Will̃ Curſon arm̃ convenc' inter eos fact' de manerio de B. cum pertiñ ac de 80. meſſuagiis, 50. cotagiis, 10. toftis 100. gardinis, 60. pomariis, 400. acris terræ, 60. acris pratri, 200. acris paſturæ, 20. acris boſci, 40. acris, jampnorum & bruere, 200. acris more, 100. acris alneti 20. s. redd̃ cum pertiñ in Billingſod alias Billingforth, Bylowe alias Bylingh, &c. necnon advocatione Eccleſiæ de Bylingſoord, ad de libertate unius Foldagii ad 2000. ovium. libera warrenna, & libera piſcaria in B. &c. Et niſi &c.

Et eſt concord̃ talis, ſcz. quod pred̃ comes et Franciſc. recognover' prædict̃ maneria teneñt̃ et reddit̃ cum pertinentiis ac advocationem libertat̃ lib r' warreñ et liberā piſcar' præd̃ eſſe jus ipſius W. ut illa quæ idē W. habet de dono pred̃ comitis et Br. Et illa remiſer̃ et quiet̃ clam̃ de ſe et hered̃ ſuis imperpet̃. Et preterea iidem comes et Fr. conceſſ. Warrantie.
ꝓ ſe et hered̃ ipſius comitis qd ipſi warran' mañiū teneñta et reddit̃ p̄dict̃ cum pertin', ac advocac', libertat̃, liber' warren', et liberam piſcar' præd̃ pref. W. et hered̃ ſuis contr' oēs hoīes imperpet̃. Et ꝓ hac, &c.

A Fine knowledged by the husband and the wife, and a third perſon of certaine acres of land, meadow, and wood, and the husband and the wife warrant the land to the Conuſees, and to the heires of one of them: and the ſame Conuſees grant and render againe the land to E. Wife of one of the Conuſors from Michaelmas paſt for the terme of 99. yeares without impeachment of waſte, yeelding a rent to the Conuſees, and to the heires and aſſignes of one of them with a clauſe of diſtreſſe for non payment

of the rent: and afterwards they grant the rent and the reverſion of the lands in fee to one W.W.

Sect. 117. PRecipe W. Walgrave arm̃ E. uxori ejus et E.E qđ juſte, &c. teneant R.R. et T.G. convenc' &c. de duabus acr̃ et dimid' prati et 70. acris boſci, cum pertiñ in E. Et niſi &c.

Et eſt concordia talis, ſcz. quod pred̃ W.E. et E. recognoveř pred̃ tenementa cum pertiñ eſſe jus ipſius R. ut illa quæ idem R. et T. habet de dono pred' W.E. et E. Et ill' remiſeř et quieť clamaveř de ipſis W. E. et hered' ſuis pred' R. et T. et hered' ipſius R. imperpeť. Et p̃terea pred' W. et E. conceſſ. pro ſe et hered' ipſius W. quod ipſi warrantizab' pred' R. et T. et hered' ipſius R. predicť tenemenť cum pertiñ contra omnes homines imperpetuum. Et pro hac recognitioñ &c. pred' R.R. & T.G. conceſſ. pref. E. pred' teñta cum pertiñ et illa ei reddiť in eadem curia. Habend' et tenend' eidem E. à feſto S. Michaelis Archangeli jam ultimo preteriť uſq; ad finem et termin' 99. annorum tunc p̃xim̃ ſequen' et plenarie complend' abſq; impetitione alicujus vaſti: Redd̃ inde annuaľ pref. R. et T. et hered' et aſſignaľ ipſius R. duran' toto termino pred' ſexaginť ſolid' et unũ denar̃ legalis monetæ Angliæ ad feſtum Annunciatis beatæ Mariæ et S. Michaelis Archangeli æquis porcioñs ſolvend': Et ſi contingat pred' reddiť 60.s. et unius denar̃ aretro fore in parte vel in toto poſt aliquod feſtum feſtoř pred' quibus ut premittitur ſolvi debeat non ſoluť, qd tunc bene licebit prefaľ R. et R. et hered' et aſſignaľ ipſius R. in teñta pred̃ cum pertin' intrare et diſtrin' et diſtricť' ibid' ſic capť abducere et aſportare et penes ſe retinere quouſq; de præd' reddiť una cum arreragiis ejuſd' ſi quæ fuerint plenar̃ fueř ſatisfacť' contenť, et perſoluť. Et ulterius iidem R.R. et T.G. conceſſ. pred' reddiť præd' 60.s. et unius denar̃ ac reverſionem teñtorum pd̃ cum pertin' præf. W.W. et hered' ſuis imperpetuum.

Warrantie.

The render.

Rent.

Clauſe of diſtreſſe.

The render of the rent & reverſion of the land to one in fee.

Capť et recogniť fuit coram me W. Bendloſe ſervien' ad legem apud S. in parochia de B. &c.

A Fine knowledged by two unto one, with warrantie againſt all men.

Sect. 118. ET eſt concord̃ talis, ſcz. qd pred' L.G. et T.B. recognoveř teñť prædicť' cum pertin' eſſe jus ipſius I.G. ut illa quæ idem I. habet de dono pred' L. et T. Et illa remiſeř et quieť clam̃ de ipſis L. G. et T. et hered' ſuis imperpetuum. Et præterea iidem L.G. et T. conceſſ pro ſe et hered' ipſius G. quod ipſi warran' predicť' I. et hered' ſuis teneñta præd' cum pertiñ, contř oēs hoīes imperpetuum. Et pro hac &c.

A fine ſur cogniſance de droit

The warranty.

A Fine knowledged of two meſſuages, and two gardens, &c. by the husband and the wife, and divers others, to W.C. with ſeverall warranties.

PRæcipe R.F.& E.uxori ejus & G.C. & B. uxori ejus qd teñ W.C.geñ. convenc' &c. de 2.meſſuag', 2. gard', uno pomar', 30.acris terræ, 10.acris prati, 40.acris paſturæ,& 16.s. redd cum pertinentiis in W.D. Et niſi &c. Sect.119.

Et eſt concordia talis,ſcz.qd prædict' R.& E. G. & B. recogñ teñta, prædict' cum pertin' eſſe jus ipſius W.ut illa quæ idem W.habet de dono præd' R.& E.G.& B. Et illa remiſer' & quiete clam' de ipſis R. & E. & hered' ipſorum G.E.& B. pref. W. & hæred' ſuis imperpetuum. Et præterea iidem R.& E.conceſſ. p̃ ſe & hæred' ipſius E.qd ipſi warrantizabũt teñta p̃d' cum p̃tiñ p̃f. W. & hæred' ſuis contr' omnes homines imperpetuũ. Et ulterius iidem G.& B.conceſſ. p̃ ſe & hered' ipſius B.qd ipſi warrant' teneñt' præd' cum pertiñ pref. W. & hered' ſuis contr' p̃d' G.& B. & hered' ipſius B.imperpetuum. Et pro hac &c. Generall warrantie. Speciall warrantie.

A fine knowledged of foure meſſuages, one toft, three barnes, three gardens, three orchards, &c. to W.S. and N.W. with warrantie.

INter W.S.& N.W. quer' & O. B. & A. uxor ejus deforc' de 4. meſſuag', 1.toft', tribus horreis, tribus gardinis, tribus pomar', 20.acr' prati, 6. acr' paſturæ cum pertiñ in K.& B. Sect.120.

Et eſt concordia talis,ſcz. qd præd' O. & A. recognover' teneñta p̃d' cum pertiñ eſſe jus ipſius W. ut illa quæ iidem W. & N. habent de dono predict' O.& A. Et illa remiſer' & quiete clamaver' de ipſis O.& A. & hered' ipſius A. pred' W.& N.& hered' ipſius W.imperpetuum. Et præterea idem O.& A. conceſſ. p̃ ſe & hered' ipſius A. quod ipſi warrant' præd' W.& N. & hered' ipſius W. præd' tenementa cum pertineñ contra pred' O.& A.& hered' ipſius A.imperpetuum.Et p̃ hac,&c. Warrantie.

A fine knowledged by two husbands and their wives of two meſſuages, and two gardens, with ſeverall warranties.

PRcipe G.F.& R. & uxori ejus A.I.& K.uxori ejus qd teñant G.T.convenc' &c.de duobus meſſuag',duobus gardinis cum pertin' in K.&c. Et niſi &c. Sect.121.

Et eſt concordia talis,ſcz. qd præd' G. & R. & A. & K. recognover' tenement' p̃d' cum p̃tiñ eſſe jus ipſius G. ut illa quæ idem G. habet de dono præd' G.& R.& A.K. & illa remiſer' & quiete clamaver' de ipſis G.& R.& A.& K.& hered' ipſorum R. & K. pred' G. & hered' ſuis imperpetuum. Et preterea iidem G.& R.conceſſer' p̃ ſe & her' ipſius R. Warrantie.

quod ipſi warrant̃ predict̃ G. & her' ſuis pred' tenta cum pertiñ cont̃ præd G.& R.& hered ipſius R. Et ulterius iidem A. & K. conceſſ. pro ſe & hered ipſius K.qd ipſi warr' pred'G.& hered ſuis pred' teneñtum cum pertiñ contra predict̃ A.& K. & hered ipſius K.imperpetuum. Et pro hac,&c.

Nota quæ *Dyer* chiefe Iuſtice dit, quæ ſi les femes fuiſſent ſoers que adonques il ne beſoigne double garrantie in forme avantdit, mes ſingle garrantie eſt aſſets bone.

A fine knowledged by the husband and his wife, to a man and his wife of one meſſuage, one garden, one orchard, one barne, one ſtable, one Wharfe, &c. with warrantie.

Sect.122. PRæcipe R.I.& H. uxori ejus quod juſte &c. teneant A. I.& K. uxori ejus convenc' &c. de uno meſſuagio, uno gardino, uno pomario, uno horreo, uno ſtabulo, una wharfa, & una acr' boſci cum pertiñ in K. ſuper K. Et niſi &c.

Et eſt concordia talis, ſcz. qd predict̃ R. & H. recogñ teñta, predict̃ cum pertineñ eſſe jus ipſius K. ut illa quæ idem A.& K. habent de dono præd̃ R.& H. Et illa remiſer' & quiete clam̃ de ipſis R. & H. & hered̃ ſuis pred̃ A. & K. & hæred̃ ipſius K. imperpetuum. Et præterea iidem

Warrantie. R.& H.conceſſ. p̃ ſe & hered̃ ipſius H. qd ipſi warrantizabunt pref. A. & K.& hered̃ ipſius K.præd̃ teñta cum pertiñ contra pref.R.& H.& hered. ipſius H.imperpetuum. Et pro hac &c.

A fine knowledged by an Earle and his wife to W.C. of a rent of fortie pounds, going out of divers manors with warrantie.

Sect.123. PRecipe F. comiti H. & dominæ K. uxori ejus comitiſſæ H. quod juſte & ſine dilatione teñt W. C. aī convenc' &c. de 40. li. redd̃ exeunt̃ de maneriis de B. S. &c. Et niſi &c.

Et eſt concordia talis, ſcz. quod pred̃ comes & comitiſſa recognoveř redditum præd̃ cum pertiñ eſſe jus ipſius W. ut illa quæ idem W. habet de dono præd̃ comitis & comitiſſæ. Et il' remiſeř & quieř clamaveř de

Warrantie. ſe & hered̃ ſuis pref. W.& hered̃ ſuis imperpeť. Et preterea iidem comes & comitiſſa concedunt pro ſe & hered̃ ipſius comitis qd ipſi warrant̃ reddit̃ pred̃ cum pertiñ præfat̃ H. & hered̃ ſuis contra omnes homines imperpetuum. Et pro hac,&c.

A fine knowledged by the husband and the wife, and one R.D. to R.B. of one manor, &c. one meſſuage called m. &c. with warrantie, who grant and render the ſame againe to R.D. one of the Conuſors, for terme of 21 yeares, to begin at a time to come, reſerving a rent; and afterwards the Conuſees grant the reuerſion of the ſaid manor, &c. and the reuerſion to one of the Conuſors and his wife, and to the heires of the husband, to hold of the chiefe Lords of the fee.

PRecipe I.F. & B. uxori ejus & R. D. q̄ juſte, &c. ten' R.B. convenc', &c de man' de C. & I. cum pert̄ ac de duob⁹ meſuag' vocat̄ B. 20. meſſuag', 40. acr̄ terr̄, 100. acr̄ prati, 500. acr̄ paſtur', 200. acr' boſci, et 40. acr' jampnor' et bruer̄ cum pert̄ in W.F. Et niſi &c. Sect. 124.

Et eſt concordia talis, ſcz. quod p̄d̄ I.B. & R. recognover' præd' maner' et tenement̄ cum pertin' eſſe jus ipſius R. B. ut illa quæ idem R. habet de dono præd̄ I. & B. & R. & ill' remiſer' et quiete clamaver' de ſe & hered̄ ſuis præd' R. & hered̄ ſuis imperpetuum. Et præterea iidem I. & B. conceſſerunt p̄ ſe et hered̄ ipſius I. q̄ ipſi warrantizabunt præd̄ R. & hered̄ ſuis pred' manerium & tenementum cum pertinentiis, contra omnes homines imperpetuum. Et p̄ hac &c. idem R. conceſſit pred̄ R. præd' manerium et tenementum cum pertiñ, et illa ejs reddit̄, &c. Habend̄ et tenend' pred' R. à feſto S. Michaelis Archangeli, q̄ erit in anno domini 1563. uſq; ad finem termiñ 21. annorum extunc p̄xim̄ ſequend̄, et plenarie complend'. Redd inde annuatim predict̄ R. et hær̄ ſuis quandam annualem reddit̄ 27. li. et 6. s. legalis monete Angliæ ad feſtū S. Michaelis Archangeli, et Annunciationis beatæ Mariæ virginis, per æquales portiones, annuatim ſolvend̄ proxima ſolutione inde incipiente ad feſtū Sanct̄i Mich. Arehangeli, q̄ erit in anno dom̄ 1563. Et ſi contingat pred̄ redd̄ 27. li. et 6. s. aretro fore in parte, vel in toto poſt aliquod feſtū feſtorū pred' quo ut prefertur ſolvi debeat. Qd tunc bene licebit præfat̄ R. et her' ſuis in pred' maneriū et tenementa cum p̄t̄ intrare et diſtringere, diſtrictioneſq; ſic inde capt̄ et habit̄ licit, abduc', aſportare et effugare, ac penes ſe retinere quouſq; de pred̄ red' de 27. li. 6. s. cum arrer' ejuſdē ſi q̄ fuerint plenarie fuerit ſatisfact' et perſolut': Conceſſit etiā idem R. pred' I. et B. reverſionem maneriorum et tenementorum pred̄, cum pertin' ac predict̄ red̄ ſuperi' expreſ. et reſervat̄ et ill' eis redd', &c. Habend' et tenend' eiſdem I. et B. et heredibus ipſius I. de Capitalibus dominis feodi illius per ſervicia, &c.

Warrantie.

The terme and the beginning thereof.

Rent.

Clauſe of diſtreſſe.

The grant of the reverſion & the rent to the husband & the wife (being the Conuſees) & to the heires of the husband.

A fine knowledged by the husband and his wife to one I.L. Esquire, of 1. manors, 4. messuages, 6. cottages, one dove house, &c. with warrantie, in consideration whereof the Conusee granteth a rent of 30. li. to the husband and his wife, and to the heires of the husband, the said rent to begin to be payable at Michaelmas and the Annunciation of our Ladie, which next shall happen after the death of the Conusor and C. his now wife, or any other which afterwards shall happen to be his wife, with a clause of distresse for the said rent, if it be behind, and having beene lawfully demanded.

Sect. 125.

PRæcipe R. P. & I. uxor' ejus quod teñ I. L. convenc' de maneriis de A. et W. cum ptin', ac de 4. messuag', 6. cotag' 1 columbario, 200 acr' terræ, 40 acr' prat', 300 acr' pasturæ, 20 acr' bosci, 20 acr' jampnor' & brueř cum perť in W. & W. Et nisi, &c.

A rent granted by the conus.

Et est concordia talis, scz. qd pred' R.P. & I. uxor ejus recognī maneř & teñta pred' cum pertiñ esse jus ipsius I. ut ill' quæ idem I. habet de dono pred' R.P. & I. uxoř ejus. Et ill' remiseř &c. Et pterea, &c. Et pro hac, &c. idem I. L. concess. pfat' R. & I. uxori ejus & hered' pred' I. annuat' red' 30. l' solvend' ad duos anni terminos consueť, viz. ad festum S. Michaelis Archangeli, & annunciationis beat' Mar' virg', per æquales portiones, prima solutione inde incipiente ad festum S. Michaelis Archangeli, aut annunciationis beatæ Mariæ virginis q̄ pxiñ contigerit post mort' pred' L. & C. nunc uxor ejus existeñ vel alicujus alterius q̄ imposterum ejus uxor fore contigerit. Et si contingat pred' annualem redd' 30 l' aretro fore in parte, vel in toto post aliquod festum festorum pred' quo ut prefertur solvi debeat non solut' p spacium, &c. si licite petatur, quod tunc, &c.

When the rent shall begin to be payable.

A clause of distresse for the rent after it hath bin lawfully demãded.

A Fine acknowledged by the husband and the wife to H. C. of the third part of a Rent issuing out of a manor, with a warrantie against all men.

Sect. 126.

PRæcipe R. & I. uxori ejus, q̄ juste &c. teneant H. C. convenc' &c. de 3. parte 5. li. 6. s. 8. d. denar' red' cum pert' exeunt' de mañ de K. Et nisi &c.

Et est concordia talis, scz. q̄ præd' R. & I. recogn̄ tertiam partem red' pred' cum pert' esse jus ipsius H. ut illa q̄ idem H. habet de dono pd' R. & I. Et il' remis. & quiet' clam̄ de se & hæredibus ipsius I. præfat' H. & her' suis imperpetuum. Et præterea iidem R. & I. concesseř p se & hær' ipsius I. q̄ ipsi war' præf. H. & hæred' suis præd' tertiam partem red' cum pertiñ contra oēs hoēs imperpetuum. Et p hac, &c.

Warrantie.

A

A Fine knowledged by the husband and his wife, to one T.H. of the third part of 34. acres of meadow by theſe words, viz. Conceſſerunt & reddiderunt &c. *during the wives life, with warrantie alſo during her life.*

PRæcipe H.P. & M. uxori ejus quod teneant T.H. convenc' &c. de tertia parte 34. acr̃ præ̃, 40. acr̃ paſturæ, & 6. acr̃ boſci cum pertinentiis in S. Et niſi &c. Sect. 127. A fine ſur releaſe de dower per le husband & le feme. The eſtate. The warranty.

Et eſt concordia talis, ſcz. quod prædicti H. & M. conceſſerunt & redd̃erunt tenementa pred̃ cum pertiñ præfat̃ T. & hered̃ ſuis durante vita ipſius M. Et pred̃ H. & M. warrantizabunt tenementa predict' cum pertinentiis præfat̃ T. & hered̃ ſuis durante tota vita ipſius M. Et pro hac, &c.

A Fine knowledged by V.K. knight, to I.S. knight, E.G. the Queenes Atturney Generall, and others of two manors, 70. meſſuages, and cottages, &c. which the Lady V. widow hath for her life of the inheritance of the Conuſor the day of the concord made: and after her death is to revert to the Conuſor, the which by this fine after the death of the ſaid Lady V. is wholly to remaine to all the Conuſees in the fine, and to the heires of the ſaid I. S. Knight the firſt of the Conuſees in the ſaid fine, with warrantie againſt all men.

PRecipe I.V.K. militi quod teñ I.S. milit̃ E. G. Atturnat̃ noſtr̃ general' R.W. armig. & W.K. gener̃ conventionem &c. de maneriis de H. alias de Prior̃ H. & M. alias Prior M. ac 70. meſſuagiis & cotagiis. Sect. 128. A fine of reverſion after the death of tenant in Dower

Et eſt concordia talis, ſcz. quod predict' V. recogñ maneria, teñta, & reddit̃ prædict' cum pertiñ eſſe jus ipſius S. Et conceſſit pro ſe & hæred̃ ſuis quod maner̃ tenementa & redd̃ præd̃ cum pertiñ quæ dña V.K. vidua tenet ad terminũ vitæ ſuæ de hereditate præd̃ V. die quo hæc concordia facta fuit. Et qd poſt deceſſum ejuſdem dominæ V. ad præd̃ V. & hered̃ ſuos, debuere reverti, quod poſt deceſſum ipſius I. S. dominæ V. integre remanere præd̃ I. E. R. & W. & hered̃ ipſius I. S. imperpetuum. Et præterea idem V. conceſſ. pro ſe & hered̃ ſuis quod ipſe warrantizabit maner̃, teñta & reddit̃, præd̃ cum pertiñ pref. I. E. R. & W. & hered' ipſius I. S. contra omnes homines imperpetuum. Et pro hac recognitione, &c. The widowes eſtate in the Conuſors inheritance. The reverſion granted to the ſaid Conuſees, & to the heires of one of them &c.

A fine knowledged by a widow and one other to the Preſident and ſchollers of S. Iohns Colledge in Oxon. of the Scite and principall houſe of the Colledge commonly called, the White Friers in the ſuburbs of Oxon. and 6. meſſuages, 6. gardens, 6. orchards &c. alſo in the ſame ſuburbs with warrantie.

Sect. 129.
A fine ſur cognisance de droit

PRæcipe I.P. viduæ & E.P. geñ qd juſte &c. teneant W.E. Preſidenti collegii S. Iohannis Baptiſtæ in Academia Oxoñ & Scolaſticis ejuſdem collegii convenc' de Scitu & principali domo collegii vulgariť nuncupať **the White Friers**, in Suburbiis civiť Oxoñ cum pertiñ, ac de 6. meſſuagiis, 6. gardinis, 6. pomariis, 20. acř terř, 2. acř prati, & 6. acř paſtuř cum pertiñ in Suburbiis civiť præd'. Et niſi &c.

Et eſt concordia talis, ſcz. qd pred' I. & E. recogñ teneñta pred' cum pertiñ eſſe jus ipſius Præſidentis & Scholaſticoř ut illa quæ idem Preſes & Scolaſtici habent de dono præd' I. & E. Et ilř remiſ. & quiet' clamñ de ſe & hæred' ipſius E. præſ. Preſidi & Scolaſticis & ſucceſſoribus ſuis imperpetuum. Et preterea iidem I. et E. conceſſ. pro ſe & hæred' ſuis quod ipſi warrañ pref. Præſidi & Scolaſticis et ſucceſſoribus ſuis tenementa predict' cum pertiñ contra prefať I. & E. & hered' ipſi' E. imperpetuum. Et ꝓ hac &c.

Warrantie.

A fine by two and the wife of them, of lands, meadow, and paſture, with warrantie againſt the Conuſors and the heires of the husband.

Sect. 130.
A fine ſur cognisance de droit

PRecipe R.B. geñ T.R. & M. uxori ejus quod teneant T. B. geñ convenc' &c. de 30 acř terř, 2. acř prať, 3. acř paſturæ, & 6. acř boſci cum pertinentiis in C. Et niſi &c.

Et eſt concordia talis, ſcz. qd predicť R. T. & M. recogñ teñta, predicť cum pertineñ eſſe jus ipſius T. B. ut illa quæ idem T. habet de dono præd' R.T. & M. Et illa remiſer' & quiete clamñ de ipſis R.T. & M. et hered' ipſius R. pref. T.B. & hæred' ſuis imperpetuum. Et præterea iidem R.T. & M. conceſſ. ꝓ ſe & hered' ipſius R. qd ipſi warrantizabunt teñta præd' cum pertiñ pref. T.B. & hered' ſuis contra pred' R.T. & M. & hered. ipſius R. imperpetuum. Et pro hac &c.

A fine knowledged by T.N. Knight, to G.T. Eſquire of one manor, one meſſuage, &c. with warrantie againſt all men.

Sect. 131.
A fine ſur cognisance de droit

PRecipe T.N. militi, ꝙ juſte &c. teñat G.T. añ convenc' &c. de manerř de T. cum ꝑtiñ ac de 1 meſſuag', 100. acř prř, 50. acř paſturř, & 30. acř boſci cum pertiñ in T. & G. Et niſi &c.

Et

Et eſt concordia talis, ſcz. qd pred̄ T.N. recogn̄ manet̄ & tenta cum pertin̄ eſſe jus ipſius G. ut ill̄ quæ idem G. habet de dono pred̄ T. Et ill̄ remiſet̄ & quiet̄ clam̄ de ſe & heredibus ſuis p̄f. G. & hæred̄ ſuis imperpetuum. Et p̄terea idem T. conceſſet̄ pro ſe & hered̄ ſuis qd ipſi warrant̄ manet̄ & tenta pred̄ cum p̄tin' contra omnes homines imperpetuum. Et pro hac, &c. The warrantie

A fine knowledged by T. W. and K. his wife to G. S. of the third part of 8. meſſuages, 6. gardens, &c. the which one M. B. widow holdeth for terme of her life, and which is of the inheritance of the Conuſors wife, the day of the concord made, and which ought after the death of the ſaid widow to revert unto the Conuſor and his wife, as in the right of his wife: and by this fine after the death of the ſaid widow being tenant for life, is to come and remaine to the ſaid Conuſee and his heires for ever, with warrantie againſt all men.

PRæcipe T.W. & K. uxori ejus quod juſte, &c. teneant G. S. convenc' inter eos fact' de tertia parte, 8. meſſuag', 6. gard̄ 6. ac̄ terr̄, decem ac̄ prat̄ 20. ac̄ paſturæ, 50. ac̄ boſci cum p̄tin' in A.B.C. &c. Sect. 132.

Et eſt concordia talis, ſcz. qd pred̄ T. & K. recognoverunt tertiam p̄tem p̄dict' cum pertin̄ eſſe jus pred̄ G. & conceſſet̄ qd eadem tertia pars cum pertinentiis quam M.B. vid' tenet ad termin' vitæ ſuæ de heredit̄ ipſius K. die quo hæc concordia facta fuit & quæ poſt mortem ejuſdem M. ad ipſos T. & K. revertere debet, rem̄ præfat̄ G. & hered̄ ſuis imperpetuum. Tenend̄ &c. Et præterea iidem T. et K. conceſſerunt pro ſe & hered̄ ipſius K. qd ipſi warr̄ pref. G. et hered̄ ſuis tertiam partem pred̄ cum pertin̄ ſicut pred' eſt contra omnes homines imperpetuum. Et p̄ hac, &c. A fine of a reverſion after the death of tenant in Dower. Warrantie.

A Fine knowledged by the husband and the wife, to one I. I. of 9. meſſuages, 9 gardens, &c. and of the moitie of 20. meſſuages, &c. one water mill, one dove houſe, &c. with warranty againſt all men.

PRæcipe I. P. gener̄ & E. uxori ejus qd juſte, &c ten̄ I. L. conventiones inter eos fact' de novem meſſuagiis, novem gardinis, treſcent̄ acris terræ, centum acris prati, centum acris paſturæ, viginti acris boſci, centum acris jampnorum & brueræ, &c. Ac de medietate viginti meſſuagiorum, viginti gardinorum, unius molendini aquatici, unius columbarii, ſexaginț acris terræ, ducent̄ acris prati, tricent̄ acris paſturæ, ſexaginț acris boſci, centum acris jampnorum & brueræ, cum Sect. 133. A fine ſur cognisance de droit.

cum pertineñ in N. B. C. D. &c. Et niſi, &c.

Et eſt concordia talis, ſcz. qd pred. I. P. & E. recogn' pred' tenta et medietatem cum pertiñ eſſe jus ipſius I.L. ut illa quæ idem I. L. habet de dono predict' I.P & E. & ill' remiſ. & quiet' clam̃ de ſe & heredibus ſuis pref. I.L. & hered ſuis imperpetuum. Et præterea idem I. P. & E. conceſ. pro ſe et hered ipſius E. quod ipſi warrant̃ pref. I. L. & her' ſuis prædict' & medietatem cum pertin' contra omnes homines imperpetuum. Et pro hac, &c.

The order of taking the knowledge of a Fine by Dedimus poteſtatem *directed to divers, but the knowledge taken only by two of the Commiſſioners, and the certifying thereof by the Commiſſioners that tooke the knowledge.*

After the fine is acknowledged, the Commiſſioners muſt write vnder the concord of the ſaid fine as followeth.

Cap̃ & recogñ die, &c. Anno, &c. coram A.B. arm̃, & C.D. virtute brevis dom̃ Reg. de *Dedimus poteſtatem* nobis et aliis direct'.

Commiſſioners { A.B. / C.D.

Then write vpon the backe of Dedimus poteſtatem.

Reſponſ. A.B. arm̃ et C.D. gener̃ duorum Commiſ. infra nominatorum.

Executio iſtius Commiſſionis patet in quadam Schedula huic commiſſioni annex'.

Then muſt the Commiſſioners ſubſcribe their names.

A Fine knowledged by W.D. and I.D. to I.R. and I.D. of one meſſuage and one cottage in Ipſwitch, with warrantie againſt all men: In conſideration whereof the Conuſees doe grant and render the premiſſes to the ſaid I.D. one of the Conuſors for terme of ſeven daies next following, and afterwards the ſame premiſſes wholly to remaine to one M.G. for her life, and after her death the premiſſes wholly to remaine to the ſaid W.D. one of the ſaid conuſors, and his heires for ever.

Sect. 134.

PRecipe W.D. et I.D. quod juſte, &c. teneant I.R. gen̄ et I.D. convenc' de uno Meſſuagio et uno cotagio cum pertiñ in J. Et niſi, &c.

Et eſt concordia talis, ſc. qd pred' W. D. et I. D. recognoverunt tenementa pred' cum pertinentiis eſſe jus ipſius I. ut illa quæ idem I. & I.

& I.D. habent de dono pred̄ W. D. et I. D. Et illa remiſeř & quiete clam̄ de ſe & hered̄ ſuis pref. I. et I. et hered̄ ipſius I. imperpetuum. Et preterea iidem W. et I. conceſſeř p̄ ſe et hered' ipſius L. D. quod ipſe warrant̄ pred' I. et I. et hæř ipſius I. teñt pred̄ cum p̄tiñ contra omnes homines imperpetuum. Et pro hac recognitione, &c. iidem I. et I. conceſ. tenementa pred. cum pertiñ pref. I. D. Et illa ei reddideř in eadem Curia. Habend̄ et tenend̄ eidem I. D. pro termiñ ſeptem dieř ex tunc proxim̄ ſequeñ. Et poſt termiñ illum finit̄ prædict' tenementa cum pertineñ integre remanebunt cuidam M. G. Habend̄ et tenend̄ eidem M. tenend de Capitalibus, &c. tota vita ipſius M. Et poſt deceſſum ipſius M. pred̄ tenementa cum pertineñ integre remanere præfat̄ W. D. et hæred' ſuis imperpetuum. Tenend̄ de Capitalibus, &c.

Warrantie.

The render.

A Fine acknowledged by the husband and his wife to H. S. Eſquire, of two meſſuages, 2 Wich-houſes, 2 Shoppes, 2 Chambers, one Stable, and ten acres of Land, &c. With Warrantie againſt all men.

HÆc eſt finalis concordia fact' in Curia domini regis apud Ceſtriam die Lunæ ſeptimo die, &c. Anno, &c. inter H. S. querentem & W. G. et S. uxorem ejus deforceañ de duobus meſſuagiis, duobus Salimis vocat̄ Wich-houſes, alias Salthouſes, duobus Shopis, duobus cameris, uno ſtabulo, decem acris terræ, 4. acris prati, et ſex acris paſturæ cum pertineñ in, &c. unde placitum convencionis ſumm̄ fuit inter eos in eadem Curia. Scilicet q̄ pred' W. & E. uxor ejus recognoverunt tenementa predict' cum pertinentiis eſſe jus prædict' H. S. ut illa quæ iidem H. S. habet de dono predict' W. & E. Et illa remiſeř & quiete clamaverunt de ſe et heredibus ſuis pref. H. & heredib⁹ ſuis imperpetuum. Et præterea prefat̄ W. & E. conceſſeř p̄ ſe & hęř ipſius W. quod ipſi et hered' predict' W. tenement̄, predict' cum pertiñ prefat̄ H. & hered' ſuis warrantizabunt et hered̄ ſuis imperpetuum. Et pro hac, &c.

Sect. 135.

A fine ſur cognisance de droit.

A Fine acknowledged before the Juſtices of the Common Pleas at Weſtminſter of 2 meſſuages, one toft, 80 acres of Land, &c. With Warranty againſt all men.

HÆc eſt finalis concordia fact' in Curia domini regis apud Weſtmonaſteř in octabis ſancti Martini, Anno, &c. coram E. M. W. S. H. B. & I. H. Juſtic' & aliis dñi reg. fidelib⁹ tunc ibi præſentibus int̄ R. B. armig', I. L. geñ, & R. L. geñ. Queř, et H. D. deforc' de duobus meſſu-

Sect. 136.

meſſuagiis, uno tofto, 80. acris terræ, 20. acris prati, 40. acris paſturæ, & trib' acris boſci cum ꝑtinentiis in H. & W. unde placitum conventioñ ſumm̃ fuit inter eos in eadem curia. Scilicet ꝙ pred' H. recogn' ꝑdict' tenementa cum ꝑtinentiis eſſe jus ipſius R.B. ut illa q̃ iidem R.I. & R. habent de dono pred' H. & ill' remiſer' & quiet' clamaverunt de ſe & heredibus ſuis pred' R.I. & R. & her' ipſius R. imperpetuum. Et præterea idem H. conceſſit ꝑ ſe & hær' ſuis ꝙ ipſe warr' I. & R. & her' ipſi' R. pred' tenem̃, cum ꝑ̃ contr' omnes homines imperpetuum. Et ꝑ hac remiſſione, quiet' clam̃, war', fine & concordia iidem R.I. & R dederunt pred' H. 38. l. ſterling'.

Warrantie.

A Fine acknowledged by R. H. of P. to R. B. of the manor of I. with warrantie againſt the Conuſor and his heires.

Sect. 137.

PRæcipe R.H. de P. arm̃ ꝙ juſte teneat R.B. R.H. &c. convenc' inter eos fact' de manerio de I. alias I. cum ptin' ac de 20. meſ. 500. acr' ter', 100. acr' prat', 500. acr' paſt', 100. acr' boſci, 100. acr' more, & mariſci cum ptin' in I. alias I. W. & N. Et niſi, &c.

Et eſt concordia talis, ſcz. qd pred' R.H. recogn' maneria ac tenem̃ præd' cum pertiñ eſſe jus pred' R.B. ut illa q̃ idem R. &c. habent de dono ipſius R.H. Et illa remiſ. & quiete clamaver' de ipſo R. & hered' ſuis ꝑ̃. R. &c. & her' ipſius R.B. inperpet'. Et præterea iidem R.H. conceſſ. pro ſe & hered' ſuis quod ipſe warrantizabit maneria & tenementa pd' cum pertineñ prefat' R. &c. & hered' ipſius R. imperpetuum. Et pro hac, &c.

Warranty.

This is the Fine as it is ingroſſed of Record, whereof the Fine next before is but the Note.

Sect. 138.

HÆc eſt finalis concordia fact' in curia domiñ regis Ceſtriæ apud Ceſtr' die Lunæ, &c. viz. 4. die Septembris Anno, &c. coram I.T. arm̃ Juſtic' dicti domini regis Ceſtriæ apud Ceſtriam & aliis dicti dñi regis fidelibus tunc ibidem preſentibus. Inter R.B. R.H. & H.H. Quer', & R. H. de P. arm̃ deforceañ de manerio de I. cum pertiñ ac de, &c. unde placitum conventionis ſummonitum fuit inter eos in eadem curia, ſcilicet, quod R. H. recognoverit maner' tenementa pred' cum pertiñ eſſe jus pred' R. B. ut illa quæ iidem R. R. & H. habent de dono ipſius R.H. Et illa remiſerunt & quiete clamaverunt de ipſo R. & her' ſuis pref. R. &c. & hered' ipſius R.B. Et preterea iidem R.H. conceſ. pro ſe & hæred' ſuis quod ipſe Warrant' manerium & tenementa prædict' cum pertiñ pref. R. B. & H. & hered' ipſius R. B. imperpetuum. Et pro

pro hac recognitione, warranto, fine, & concordia iidem R. &c. dederunt pref. R.H. 100.l. Argenti.

The nine Proclamations of the fine next before made according to the Stat. of 2. Ed. 6. made for fines with Proclamations within the County Palantine of Chester.

Primo Proclamac' fact' fuit die Mercurii ista eadem Sessione, Secunda Proclam̃ fact' fuit die Jovis ista eadem Sessione, Tertia Proclam̃ fact' fuit in plena Sessione hic apud, &c. ten̄ die &c. Anno &c. Et sic de cæteris, &c.

Three Proclamations in every Sessions.

A fine knowledged by A.B. to T.F. and G.H. of a Manor with warranty against all men: and the Conusees in the same fine grant and render againe the said Manor to the said A.B. for one weeke, and afterward to N.M. for 21 yeares to begin after the feast of S. Martin the Bishop, in Winter, reserving a red Rose at Midsummer, if it be asked. And after the end of the said terme of 21 yeares the said Manor, &c. wholly to remaine to the said A.B. the conusors, and his heires for ever.

PRæcipe A.B. qd juste, &c. teneat T.F. & G.H. convenc' de manerio, &c. Et nisi, &c. Sect. 139.

Et est concordia talis, scz. qd pred' A. recognovit tenem̃tum præd̄ cum pertiñ esse jus ipsius T. ut illa quæ iidem T. & G. habent de dono predict' A. Et illa remiser̄ & quiete clamaver̄ de se & hered̄ suis p̄f. G. & her̄ suis inperpet̄. Et præterea idem A. concess. pro se & hered̄ suis quod ipse warrant̄ tenementa pred̄ cum pertiñ pref. T. & G. & hered' ipsius T. contra omnes homines imperpetuum. Et p̄ hac, &c. iidem T. & G. concesser̄ & in eadem curia reddid̄ teñta pred' cum pertiñ p̄f. A. p̄ una Septimana. Et post termin̄m illum finit̄ teñta cum pertiñ integr̄ remanr̄ N.M. & assignat̄ suis pro termino 21. annorum p̄ festum Sancti Martini Episcopi in hyeme p̄xim̄ futur̄ immediat̄ sequen̄ & plenarie complend'. Reddend̄ inde annuatim pref. T. & G. & hered' ipsius T. durante toto term̄ pred̄ unam rubram rosam ad festum Nativitatis S. Joh. Bapt̄ si petatur. Et post term̄ illud finit̄ teñta pred̄ cum pertiñ integr̄ rem̄ pred A. & hered̄ suis imperpetuum, &c.

The warranty.

The render.

Rent.

Remainder in fee to the conusor.

A fine knowledged by R.B. of two messuages, &c. to I.A. with warranty against all men: and the Conusee granteth the premisses againe to the Conusor for one weeke, and afterwards to one W.B. for life, reserving a rent, and afterwards to the Conusor for his life, and after to S.B. his wife for her life, and after to I.B. son of the Conusor and his wife for life: and afterwards the

the ſaid Conuſee granteth the reverſion of the premiſſes, and the rent to the ſaid R.B. the Conuſor and his heires for ever.

Sect. 140.

PRæcipe R.B. geñ quod juſte, &c. teneat I.A.convenc', &c. de duobus meſſuagiis, &c. Et niſi, &c.

Et eſt concordia talis, ſc. quod pred. R. recognovit teñta pred' cum ꝑtiñ eſſe jus ipſius I.A. ut illꝰ quæ iidem I. habet de dono pred' R.B. Et illa remiſit & quiet' clam̃, de ſe & hered' ſuis pref. I. & hered' ſuis imperpetuum. Et preterea idem R. B. conceſſit ꝑ ſe & hered' ſuis qd ipſe warrant' teñta prædict' cum pertiñ pref. I. A. & hered' ſuis con̄ omnes homines imperpet'. Et pro hac recogniť, &c. idem I. conceſſit pref. R. B. &c. & illa ei reddid' in eadem Curia. Habend' & tenend' teñta ꝑd' cum pertiñ pref. A. R. B. ꝑ termino unius Septimanæ. Et poſt termiñ illum finiť remanr̄ W.B. pro termino vitæ ipſius W. B. Reddend inde per annũ ꝓf. I. A. & hered' ſuis 40. ſ. ad quatuor anni terminos, viz. ad &c. ꝑ æquales porciones ſolvend'. Et poſt deceſſum ipſius R. B. remñ inde S.B. uxor̄ pred' R. pro termiñ vitæ ipſius S. Reddend' ut ſupra. Et poſt deceſſum ipſius B.S. remñ inde I.B. filio ꝑd' R. ꝑ termñ vitæ ſuæ reddend' inde ut ſupra. Necnon pref. I.A. conceſ. ꝓf. R. B. reverſionem & reddiť teneñtor̄ pred' cum pertiñ, & illa ei reddidit in eadem curia. Habend' & tenend' reverſionem & reddiť teñta pred' cum ꝑtiñ eidem R.S. & hered' ſuis imppet'. Tenend de Capital' dñis feodi, &c.

Warrantie.

The render.

Rent.

The grant of the reverſion and the rent.

A Fine of rent iſſuing out of 6. meſſuages, and 6. gardens with warranty againſt all men.

Sect. 141.

PRæcipe W.A. & A. uxor' ejus ꝙ juſte, &c. ten' R.B conven' de uno annual' redd' de 5. ſ. exeunt̄ de & in ſex meſſuagiis, 6. gardin' cum pertin' in L. Et niſi, &c.

Et eſt concordia talis, ſc. qd pred' R. recognovit maner' pred' cum pertiñ eſſe jus ipſiꝰ H. ut illa quæ idem H. habet de dono pred' R. Et illa remiſit & quiete clam̃ de ſe & hered' ſuis imperpetuum. Et pred' R. conceſſit ꝑ ſe et hered' ipſius W. quod ipſi warrant' reddiť pred' cum ꝑtiñ pref. R.B. & hered' ſuis imperpetuum contra omnes homines. Et pro hac, &c.

A Fine knowledged by R.L. of a Manor, &c. to H.G. with warranty againſt all men; In conſideration whereof the conuſee by the ſame fine granteth to the conuſor and his heires, one annuity of 8. li. iſſuing out of the ſame Manor, to be paid yearely at the manſion houſe of the ſaid Conuſor, at a certaine day and houre, impoſing a paine of 18. s. to be forfeited in default of payment of the ſaid annuitie with a clauſe of diſtreſſe for the ſaid annuity and paine.

Præcipe

PRæcipe R.L. qd' juſte &c. teñ.H.C.convenc' &c. de ma- Sect. 142.
ner' &c. in O.&c. Et niſi, &c.

Et eſt concordia talis, ſcz. qd pred. R. recogn' manerium et teñtum
pred' cum pertiñ eſſe jus ipſius H. ut illa quæ idem H. habet de dono
predict' R. & ill' remiſ.& quiet' clam̃ de ſe & heredibus ſuis imperpetu- Warranty.
um. Et præterea R. conceſ.pro ſe et hered' ſuis quod ipſe warrant̃ ma-
ner' prædict' cum pertin' præfat' H. & her' ſuis contra omnes homines The grant of
imperpetuum. Et pro hac, &c. pred. H.conceſſit pred' R.quandam an- an Annuity.
nuitatem ſive annualem reddit' 8. ſ. legalis monetæ Angliæ exeun̄ &
exitur̄ de & in maner' predict' cum pertin', & ill' eis reddid' in eadem
curia: Habend' & percipiend' pred' annuitat' ſive annual' reddit' 8. ſ.
p̄f. R. hered' & aſſignat' ſuis in 8. die Septembris inter horam novam The day, hour,
& duodeciм ante merid' ejuſdem diei apud domum ſuam manſionem and place of
in villa de R.in com̃ S.ſolvend'. Et ſi contingat pred' annuitat' ſive an- paiment of the
nual' redd' 8 ſ.aretro fore in parte vel in toto p̄ ſpac' xx dierum poſt p̄d' ſaid annuity.
8.die Sept̄ in quo ut prefertur ſolvi debeat non ſolut̄. Qd tunc pred' H.
& hered' ſui forisfac' eidem R.& hered' ſuis 18. s. legalis monetæ Ang'
nomine pene toties quoties pred' annuitat' ſive annual' reddit' aut ali- Clauſe of di-
quam inde partem aretro fore contigerit. Et bene licebit pref. R.& ſtreſſe for the
hered' ſuis in pred' maner̄ cum pertiñ & in quamlibet inde parcellam annuity, and
intrare & diſtringere,tam pro predict' annuali redd' 8. ſ. & pro quali- penalty.
bet inde parcella quam p̄ predict' 18. s. nomine pene eid' R. & hered'
ſuis forisfac' toties quoties ſic aretro fore contigerit non ſolut̄, diſtri-
ctioneſq; ſic ibid' capt̄ & habit̄ liceat abducere,aſportare,& effugare,&
penes ſe retinere quouſq; de pred' annuitat' ſive annuali reddit' 8. ſ.
quam de pred'. 18.s. nomine pene quoties ſic forisfac' fuerit idem R. &
hered' ſuis fuerint ſatisfact' & perſolut̄.

A Fine knowledged by A.B. Eſq. of 2 meſſuages, &c. to S. H. in taile gene-
rall, to hold of the Conuſor and his heires by the xl. part of a knight fee, and
15.s.4.d. rent, with warranty againſt all men.

PRæcipe A.A.arm̃ quod juſte &c.teneant S. H. convenc' de Sect.143.
duobus meſſuagiis &c. cum pertiñ in M. Et niſi, &c.

Et eſt concordia talis,ſcz. quod pred' A.B.conceſſit teñta præd' cum An eſtate in
tin' pref. S.& hered' de corpor̄ ipſius S.legitime procreat̄. Tenend' de generall taile.
ño A. & hered' ſuis per quadrageſſimam partem uni' feod' milit̄ & p The tenure
eddit̄ 15.s 4.d . p annum ad feſtum, &c. annuatim ſolvend'. Et præ- rent.
rea p̄dict' A. conceſit p ſe & hered' ſuis qd ipſe warr̄ teñta p̄d' cum
tin' p̄f.S.& hered' de corpor̄ ſuo legitime p̄creat̄ ſicut p̄dict' eſt cont̄ Warranty of
mnes homines imperpet̄. Et pro hac, &c. the eſtate taile

A Fine knowledged by A.B. and N. his wife of a manor, &c. to S. P. reciting that where the ſaid Conuſors hold the ſaid manor for the life of the ſaid M. the reverſion thereof to the ſaid Conuſee and his heires belonging, the ſaid Conuſors grant to the Conuſee all that their eſtate in the ſaid manor during the life of M. one of the Conuſors, with warranty againſt them during the life of the ſaid M.

Sect. 144. PRæcipe A.B. & M. uxori ejus quod juſte, &c. teneant S. P. convenc', &c. de manerĩ, &c. Et niſi, &c.

Et eſt concordia talis, ſcz. qd cum predĉ A. & M. habeant & teneant pro terñ vitæ ipſius M. manerĩ pred' &c. cum pertiñ reverſioñ inde predĉ S.P. & hereditĉ ſuis ſpectañ, iidem A. & M. conceſſ. predĉ S. manerĩ pred' cum pertiñ, & totum & quicquid in manerĩ predĉ, &c. habent eidĉ S. durante vita ipſius M. Et predĉ A. & M. warrantĩ predĉ S. manerium &c. cum pertiñ ſicut predĉ eſt contra predĉ A. & M. durante tota vita ipſi' M. Et pro hac, &c.

A Fine knowledged by I.C. and T. his wife of 2. meſſuages, 1. barn, &c. to one H.P. with warranty: and the ſaid H. P. in conſideration of the ſaid fine granteth and rendreth againe by the ſame fine, the premiſſes to the Conuſors for one day, and afterward to I. P. widow for her life, and after her death the premiſſes wholly to remaine to H. P. and his heires for ever.

Sect. 145. PRæcipe I.C. & T. uxori ejus qd juſte, &c. teñ H. convenc' &c. de 2. meſſuagiis, uno horreo, &c. Et niſi, &c.

Et eſt concordia talis, ſcz. qd predĉ I. et T. recognoverĩ tenementĩ pdĉ cum pertiñ eſſe jus ipſius H. ut illa quæ idem H. habet de dono predĉ I. et T. et illĉ remiſerĩ et quiete clamaverĩ de ſe et hereditĉ ſuis præfatĉ H. et hereditĉ ſuis imperpetuum. Et præterea predĉ I. et T. conceſſerunt pro ſe & hereditĉ ipſius I. qd ipſi warrantizabunt tenementĩ predĉ eum pertiñ pref. H. et hereditĉ ſuis contra omnes homines imperpetuum. Et pro hac recognitioñ, &c. predĉ H. conceſſit tenementa predĉ cum pertiñ, pref. I. & T. et illa eis reddidĉ in eadem curia: Habendĉ et tenendĉ eiſdem I. et T. pro termino unius diei. Ita qd poſt eundem terminum finiĉ, tenementa predictĉ cum pertiñ integre remanerĩ I. P. vid' pro termino vitĉ ejuſdem I. Et poſt mortem predictĉ I. meſſuag' et horreum predĉ, &c. integre remanerĩ H.P. et hereditĉ ſuis imperpetuũ. Tenendĉ de Capitalibus dominis feodi illius, &c. Et quinq; acrĩ terrĉ et unam acrĩ prati cum pertinenñ reſidĉ tenementĩ prdĉ integre remanerĩ A.P. et hered' ſuis imperpetuum. Tenendĉ, &c.

Warranty.

The render.

The

The taking of the knowledge of the fine.

CApt' & recognit' coram Iacobo Dier mil' capitali Iustic' de communi banco, Anno regni Reg. nunc secundo.

Notes to be observed in fines.

1 Nota que ascun touts plusors choses passa en le Precipe que ne sont noſme en le concord.

2 Nota que vn cause de Réentrie ne poit estre en vn fine.

3 Nota que ſi home purchase diuers parcels de terre de diuers hões il purroit passer touts les parcels en vn common fine, mes couient que il auer seuerall garranties de chescũ de les parties pur lour seueral parcels.

4 Nota que Catlin chiefe Iustice del bank le roy dit que south noſme de bois, haut bois & Subbois passera en vn fine.

5 Nota que per Dyer vn Render ne poit estre fait mes tantum a luy que est noſme en le fine: mes vn remainder poet estre limitted a vn per fine, coment que il ne soit noſme in le Precipe.

A fine knowledged by the husband and wife unto two of xxx. messuages, of lands, pasture, wood, linge, heath, and rent in divers places; the Cognisees render the same againe to the said Connsors for terme of their two lives, with divers remainders over after their deaths in generall taile to the children of the said Connsors, And for default of issue of the said connsors to the right heires of the wife of the Connsor for ever.

HEc est finalis concordia facta in curia dom' Regis apud West. in craſtino Aſcensionis dñi, an' regni Henrici octavi Dei gratia Angliæ & Franciæ regis, fidei defensoris, & dñi Hiberñ a conqueſtu decim' nono, coram R.B.A.F.T.E.& W.S. Iustic'. Et postea in octabis S. Trin' Anno regni ejusdem regis Henric' supradicti ibidem conceſſ. & recordat coram eisdem Iustic' & aliis domin' regis fidel' tunc ibi præsentibus. Inter W.H.& I.R. quer & I.C.& T. uxor ejus deforc' de triginta meſſuagiis, ducentis acris terræ, treſcentis acris paſtur, dec' acris boſci, ducentis acris jampnorum & bruere, & triginť ſolid reddit cum pertinentiis in P.F.&c. unde placitum conventionis ſum' fuit inter eos in eadem curia, ſcilicet ꝙ prædicti I.C. & T. recogñ ꝑd tenť cum ptiñ esse jus ipsius I.R. ut illa quæ iidem I.& W. habent de dono predictor I.C.& T. Et illa remiſerunt & quiete clamaverunt de ipsis I.C.& T.& hered ipsius T. predictis W. & I.R. imperpetuum. Et preterea iidem I.C.& T. conceſſerunt pro ſe & hered ipsius T. quod ipsi warrant predictis W. & I.R. & hered ipsius I.R. prædict tenemenť cum pertinentiis contra omnes homines imperpetuum. Et pro hac recognitione, remiſſione, quieta clam, warrant, fine & concordia iidem W. & I.R.

Sect. 146.

Warranty gederall.

The render.

I. R. conceſſeꝝ predictis I. C. & T. prædicta tenementa cum pertinentiis. Et illa ei reddiderunt in eadem curia: Habend' & tenend' eiſdem I C. & T. de capitalibus dominis feod' illius per ſervitia quæ ad predicta tenement' pertinent tota vita ipſoꝝ I.C. & T. & alterius eorum diutius viventis. Et poſt deceſſum ipſoꝝ I. C. & T. pred' tenement' cum p'tin' integre remañ I.C. filio pred' I.C. & T. & hered' de corpore ſuo legitime procreat', tenend' de capitalibus dominis feod' illius per ſervic' q̄ ad pred' tenement' pertiñ imperpetuum. Et ſi contingat q̄ idem I.C. filius obierit ſine hered' de corpore ſuo legitime ꝓcreat', tunc poſt deceſſum ipſius I. pred' tenta cum pertineñ integre remañ R. C. alteri fil' pred' I.C. patris & T. & hered' de corpore ſuo legitimñ procreat', tenend' de capitalibus dominis feod' illius per ſervitia q̄ ad pred' tenemñ p'tiñ imperpetuum. Et ſi contingat idem R. obire ſine hered' de corpore ſuo legitime procreat' tunc poſt deceſſum ipſius R. pred' tenementa cū pertiñ integre remanere hered' de corporibus p̄d' I.C. patris & T. legitimñ procreat'. Tenend' de capitalibus dominis feod' illius per ſervitia quæ ad predict' teñt' pertinent imperpetuum. Et ſi nullus hæres de corpoꝝ prædictorum I.C. patris, & T. fuerit legitime procreat' tunc præd' tenement' cum pertineñ integre remañ rectis hæredibus p̄d' T. Tenend' de capitalibus domñ feod' illius per ſervitia q̄ ad prædict' tenement' p'tiñ imperpetuum. *

Adjuncts of Concords.

Sect. 147. The Adjuncts of a concord, be alſo of two ſorts, Internall and Externall, Internall bee ſuch as be contained within the very Concord it ſelfe. Of which ſort be the clauſe of reſeruation of ſeruice, rent, or other thing, the clauſe of nomine pœnæ, the clauſe of diſtres, and the clauſe of warranties: All which clauſes of reſeruation, nomine pœnæ, diſtreſſe, and warrantie, are to be made in ſuch words, and in ſuch formes, as the like are made in Inſtruments extrajudiciall: for which ſee Leaſes and grants of Rents charge in the firſt part of the Symboleography, if the following example doth not ſufficiently ſatisfie your deſire herein.

Reſervation. Nomine pœnæ Diſtreſſe.

Warrantie. And Warranties bee ſometimes generall, that is to ſay againſt all men: Some againſt all, except certaine perſons: ſome againſt certaine perſons onely: ſome againſt euery Conniſor, and his heires ſeuerally: and ſome againſt one of the Conniſors and his heires onely: ſome of all the lands in fine: ſome of all, except part: and ſome of part onely, certainly expreſſed.

The Externall Adjuncts of Concords be the Licence of alienation, the Dedimus poteſtatem, the examination of the parties, and the cog-

cognisance. The licence of alienation is a power or authority giuen by his Maiestie to the parties, that lands may be alienated without incurring the danger of contempt. Licence. Alienation.

And euery such licence is either to alien lands holden in Capite, or to alien lands into Mortmaine.

The licence of alienation of lands holden in Capite, may vary from the fine, and be good, 32 H.8.Br. Alienations 4.30.

For the obtaining of which licence, the Clerke of the Licences doth vse to draw a docket in paper, containing the effect of the fine, feoffement, or other deeds, whereby the alienation is to be made. Docket.

And thereupon Affidavit or composition must be made for the value of the lands, which are to passe thereby, which is to be signed by the Doctor of the Chancery that hath power to take oath: Then the kings fine is to be payed to the Receiuor of fines who will signe the docket: And afterwards the same is to be signed by two of the Commissioners of the office of fines and licences: and vpon that docket, the Clerke of the Licences is to make the Licence, and get it sealed with the great seale: which licence is to be made in forme following. Affidavit.

A licence of Alienation of lands holden in Capite.

IAcobus Dei gratia &c. Omnibus, ad quos præsentes literæ peruenerint, salutem. Sciatis quod nos de gratia nostra speciali, ac pro tribus libr̃ nobis solut̃ in Hanaperio nostro, concessimus, ac licentiam dedimus, ac per presentes concedimus, ac licentiam damus pro nobis & heredib⁹ nr̃is quantum in nobis est, dilecto nr̃o I.F. quod ipse totam medietat̃ manerii de C. cum pertiñ, ac quadraginta messuag', viginť cotag', quadraginť gardiñ, quinquaginť acras terræ, quadraginť acr̃ prati, trescent̃ acr̃ pastur̃, 30. acr̃ bosci, trescent̃ acr̃ moræ, & viginti libr̃ reddit̃, cum pertiñ in W. & alibi in Com̃ nostro N. eidem medietˉ ptinent̃ sive spectant̃, parcell' inde reputat̃ aut accept̃ existeñ, q̃ de nobis tenentur in Capite, dare possit & concedere, alienare, vendere, barganisare, feoffare, warrantizare, aut cognoscere per finem in Curia nr̃a coram Iusticiariis nostris de Communi banco, aut aliter, seu aliquo quocunque modo dilecto nobis E.R. Habend̃ & tenend̃ eidem E. heredibus & assignatis suis, de nobis & hæredibus nostris, p̃ servic' inde debita & de jure consueta imperpet̃: Et eidem E. q̃ ipse dictam medietat̃ manerii predicti, ac cæterorum p̃missorum cum pertiñ à præfato I. recipere possit, & tenere sibi, her̃ & assignatis suis, de nobis & heredibus nostris, per servitia predict' imperpetuum, sicut predictum est, tenore presentium similiter licentiã dedimus, ac damus specialem: Nolentes quod prædict' I. aut heredes sui, vel p̃dict' E. hæred̃ vel assignati Sect. 148.

ſui p̄d, ratione p̄miſſorum, p̄ nos hæredes vel ſucceſſores noſtros, Iuſticiar̄, Eſchaetor̄, Vicecom̄ Ballivos, aut alios officiarios ſeu miniſtros noſtros, heredum vel ſucceſſor̄ noſtr̄ quoſcunque inde occaſionentur, moleſtentur, perturbentur, vexentur, in aliquo, ſeu graventur, aut eorū aliquos occaſionetur, moleſtetur, perturbetur, vexetur in aliquo, ſeu gravetur. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes, Teſte meipſo apud Weſtmoñ ultim̄ die, &c.

A licence to alien in Mortmaine.

Sect. 149. IAcobus Dei gratia, &c. Omnibus &c. Sciatis quod nos de gratia noſtra ſpeciali, ac p̄ 40. ſolid̄ nobis ſolut̄ in hanaperio noſtro, conceſſimus, ac licentiam dedimus, ac licentiam damus, p̄ nobis & hered̄ noſtris quantum in nobis eſt, R.S. p̄ ipſe advocationem de L. Abbati & Conventui de L. in Comit̄ E. dare poſſit & concedere: Tenendum ſibi & ſucceſſoribus ſuis de dict' domino Rege & heredibus ſuis, in liberam, puram, & perpetuam Eleemoſynam imp̄petuū. Ac eiſdem Abbati & Conventui, p̄ ipſi Advocationē illam à p̄fato R. S recipere, & Eccleſiam illam appropriare, & eam ſic appropriatam in proprios uſus tenere poſſint ſibi & ſucceſſoribus, de ipſo Rege & heredibus ſuis, in liberam, puram & perpetuam Eleemoſynam imperpetuum: Nolentes, &c. *ut ſupra.*

Quod permittant finem levari.

Sect. 150. **AND after that ſuch licence is had, the vſe was (which is not now in vſe) to haue a writ, mentioning the licence and the effect of the fine, directed to the Iuſtices of the common place, commanding them** p̄ p̄mittant finem illum levari, Regiſter̄ fo. 176. a. 1. E. 3 ca. 12. 34. E. 3. ca. 15. 33 H. 6. fol. 2. **The forme of which ſucceedeth:**

Rex, Iuſticiariis ſuis de Banco, ſalutem: Cum p̄ literas noſtras patentes, de gratia noſtra ſpeciali, conceſſerim⁹ I.S. p̄ ipſe de maner̄ ſuis de F. & W. cum pertiñ, quæ de nobis tenentur in Capite, feoffare poſſit K. &c. (recitando totam cartam) p̄ut in literis noſtris p̄d plenius cōtinetur, ac breve noſtrū de conventione pendeat coram vobis in bāco p̄dicto, inter pred̄ I. & K. de maner̄ p̄dict', ad finem inde inter eos ſecund̄ legem & conſuetudinem regni nr̄i Angliæ levand̄, ut accepimus: Vobis mandamus, quod finem illum inter partes p̄d de maner̄ p̄dict', coram vobis in eodem banco levari p̄mittatis, juxta tenorem literarū noſtrarum predictarum. Teſte &c.

But before 20 H. 3. the Kings tenant in Capite **might haue aliened his frée lands without licence, 14 H. 4. 3. 20 Aſſ. Plac. 17. as it ſéemeth.**

The writ of Ad quod damnum.

BVt before the granting of any such licence, either to alien lands, holden in chiefe, or to alien lands in Mortmaine, or release right in Mortmaine, or exchange, the ancient vse was to haue a writ of Ad qd damnum, containing the substance of the kings licence out of the chancerie, directed to the Escheator in the countie wherein the lands lie, to be alienes, to enquire and certifie into the Chancery what dammage or prejudice the alienation thereof will be to the King, or the other chiefe lord of whom they are holden. And of what tenure and value the lands be. And whether there remain sufficient free lands besides those to the alienor, to sustain publique charges, and to be in Assises and Iuries, &c. Sect. 151.

And this is as well where the alienation is made by the King, or by a Corporation, or a feme couert, as by any other.

The like inquirie by writ of Ad quod damnum, hath bẽn vsed before the King made any grant or pardon, for alienation, lease, release, confirmation, or licence, and after the Inquisition returned and certified into the Chancery, to effect the same accordingly, F.N.B. f. 221. et inde usque f. 227.

But now experience is to the contrarie, in lieu whereof the vse at this day is, to put in the Kings patents these words: Absque aliquo brevi de Ad quod damnum, seu aliquibus aliis brevibus, seu mandatis super inde habendis, fiendis, aut prosequendis.

And one writ of Ad quod damnum will serue for diuers purchases, And a licence to alien in Mortmaine of one King, will serue in the time of another.

But not so of lands holden in chiefe, 22 E. 3. F.N.B. in brevi de Ad q damnum.

I purposely omit here the formes of such writs de Ad q damnum. because they be so growne out of vse.

Of a Pardon for alienation.

BVt if perchance any alienation of land holden in Capite, be made without licence, a pardon must be sued, the fine of which is the value of lands by one yeare, and the meane profits betweene the Inquisition and the pardon, 31 H. 8. Br. Alienation 29. vnlesse the Commissioners will more fauourably compound for the same, as in some cases vpon reasonable cause shewed they vse to doe; which pardon being purchased, the purchasor is to hold the land still, 14 H. 6. 26. 50. Ass. p. 2. 1 E. 3. c. 12. 34 E. 3. c. 15. Sect. 152. A Fine of pardon.

But the fine of a licence to alien lands holden in Capite, is the third part of the yearely value thereof, 26 H. 8. Br. Alienation 29. Fine of a licence.

But if alienation of lands into mortmaine be made without licence, Mortmain.

the King may ſeiſe them as forfeited or eſcheated, Mag. Chart. cap. 36. Weſt. 2. c. 32. And for a licence thereof to be granted, the fine thereupon to be paid is the value of the land by three yeares, 26 H. 8. Br. Alienation 29.

Variance. But variance betweene the licence and the fine is not materiall, if it be all one alienation, 32 H. 8 Br. Alien' 36.

Releaſe. And it ſeemeth that a fine ſur releas or other releas, is none alienation, and therefore no fine due for the ſame, P. 37. H. 8. Br. Alienatiõ 31.

Recoveries. But fines are payable, and licences to be ſued vpon common Recoueries, 39 H. 6. 32. H. 8. c. 1. 4 E. 3.

Will. Deuiſe by will is an alienation, 3 Ma. 1. Br. Alieñ 37.

Of the Dedimus Poteſtatem to take cogniſance of a fine.

Sect. 153. A Dedimus poteſtatem to take knowledge of a fine, is, as afore ſaid, a writ Commiſſional directed to one, or more, giuing them power to take and certifie to the Iuſtices of the common Place, the cogniſance of the cogniſees, when they cannot conueniently trauell to doe it in Court, and it ought to recite the ſubſtance of the Writ of Couenant, And beare Teſte or date after it, F. N. f. 146. g.

The forme of the writ of Covenant and Dedimus poteſtatem, with the returnes thereof enſue:

The Writ of Covenant. Iacobus dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberñ Rex, fidei defenſ. &c. Vicecomi Eborũ Salutem; Præcipe T. B. armigerũ, & A. uxori ej' quod juſte & ſine dilatione teneant V. P. generũ, conventionem inter eos factam de manerio de T. cum pertinentiis; Ac de duobus meſſuagiis, cotagiis, quinque toftis, uno columbar', quinque gardinis, quinque pomariis, centum & decẽ acris terr', quinquaginta acris pratri, quinquaginta acris paſturæ, decem acris boſci, centũ acris jampnorum & bruer', quadraginta ſolidat' reddit', & communia paſtur' pro omnim animalibus, cum pertineñ in W. B. Et niſi fecerint, & predictus W. fecerit te ſecurum de clamore ſuo proſequend', nunc ſummñ per bonos ſummonit prædictis T. & A. q̃ ſint coram Iuſt' nr̃is apud Weſt. in octab' S. Michaelis, oſtenſuri quare non fecerint, & habeas ibi ſum̃ et hoc b're T. &c. xiii. die N. an' reg. nr̃i &c.

Fine. And the fine thereof is entred vnder the writ thus:

Pro viginti ſolid' ſolut' firmat' fin̄ dñi regis virtute war' regii.

Indorſment. Then muſt the writ of Couenant be indorſed thus:

Per E. S. pro fine infraſcr̃, q̃ affid' quod tenement' inſr̃ non exec' val' libr̃ x. per annum.

E. S.

The

The Sheriffes returne.

Pledg' de pros. Iohannes Doo:
Richardus Roo.

Summ̃ Iohannes Den.
Richardus Fen.

The Commiss. of Fines. W.L.T.W.
R. Eure armig' Vic'

The Dedimus potestatem **thereof.**

Iacobus Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor, &c. Cariſſimo conſanguiñ noſtro Gilberto Comiti Salop', ac prædilecto ac fideli noſtro I. D. militi domino D. Necnon dilect' & fidelibus ſuis G.S. militi, & C.C. militi, Ac dilecto nobis W. Weſt. armig', Salutem: Cum breve noſtr̃ de conventione pendeat coram Iuſtic' nr̃is de banco, inter W.P. gen̄, & T.B. armig', & Annam uxorem ejus de mañio de T. cum ptiñ: Ac de duobus meſſuag', tribus cotag', quinq; tof̃, uno columbar̃, quinq; gardiñ, quinq; pom̃, centum et decẽ acr̃ ter̃æ, quinquaginta acr̃ prati, quinquaginta acr̃ paſtur̃, decẽ acr̃ boſci, centum acr̃ jampnorum & brueræ, quadragint̃ ſolid' reddit̃, & cõmunia paſtur̃ pro omnimodis animalibus cum ptiñ in W. & B. in Com̃ Ebor̃, ad finem inde inter eos coram Iuſtic' noſtris p̄dict' in banco p̄d', ſecundum legem & conſuetudiñ regni noſtri Angl' levand': Ac præfati T. & A. adeo impotentes ſui exiſtunt, & abſq; maximo corporũ ſuorum periculo uſq; Weſtm̃ ad diem in dicto brevi contentum, ad cognitiones, quæ in hac parte requiruntur, faciend', laborare non ſufficiunt ut accepim'. Nos ſtatui eorundum T. & A. compatientes in hac parte, dedim' vobis, quatuor, tribus vel duobus veſtrum, poteſtatem recipiend' cognitiones quas idem T. & A. coram vobis, quatuor, tribus, vel duobus veſtrum facere voluerint de præmiſſis. Et ideo vobis, quatuor, tribus, vel duobus veſtrum, mandamus quod ad præfat̃ T. & A. perſonaliter accedentes, cognitiones ſuas prædictas recipiatis, & cum eas receperitis, præfat̃ Iuſtic' noſtros inde ſub ſigillis veſtris, quatuor, trium, vel duorum veſtrũ, diſtinct̃ & apert̃ reddatis certiores, ut tunc finis ille inter partes prædictas de premiſſis coram Iuſtic' noſtris prædictis in banco prædicto levari poſit, ſecundum legem & conſuetudinem ſupradict', mittentes eiſdem Iuſtic' hoc breve, teſte meipſo apud Weſtm̃ 14. die N. Anno regni noſtri ſecundo.

Garth.

The name of the Custos.

The ſaid Dedimus poteſtatem **muſt be endorſed thus:** Per dominũ cuſtod̃ magni ſigilli Angl' ad inſtanc' pet̃.

The Lord Keepers name. Io. Puckering Cancell'.

The Iuſtice of the Circuit. Fr. Beaumont.

Return'. Executio iſtius brevis patet in quad ſchedula eid annexa.

The Precipe and Concord which muſt be filed to the Dedimus poteſtatem.

Bre convenc'. *Ebor. ff.* PRecipe T. de P. armiger', & A. uxori ejus, quod juſte, &c teneant W. P. gen' convencionem, &c. de manio de T. cum ptin': Ac de duobus meſſuag', tribus cotag', quinque toft', uno columbar', quinq; gardin', quinq; pomar', centu & decem acr' tre, quinquaginta acr' prati, quinquaginta acris paſtur', decem acr' boſci, centum acr' jampnorum & brueræ, quadraginta ſolidat' reddit', & communia paſtur' p omnimodis animalibus cum ptin' in W. & B. Et niſi, &c.

Et eſt concordia talis, ſcilicet, quod prædict' T. & A. recognoverr predict' manerium, columbare, tenementa, redditum, & communiam paſturæ cum pertinentiis eſſe jus ipſius W. ut illa quæ idem W. habet de dono pred' T. & A. Et illa remiſer' & quiete clamaverunt de ipſis T. & A. & hered' ipſius T. præd' W. & hered' ſuis imppetuum. Et præterea iidem T. & A. conceſſerunt pro ſe & hered' ipſius T. quod ipſi warrant' pred' W. & hæred' ſuis predict' manerium, columbar', tenement', reddit' & communiam paſturæ cum pertinentiis, contra ſe & hered' & aſſign' ipſius T. ac contra hered' & aſſign' I. B. armig', ac contra omnes homines clamant' ſeu habent' aliquod jus, titulum, ſtatum, uſum, intereſſe, aut demand', de, aut in eiſdem maner', columbar', tenement', reddit', & communia paſtur' cum ptin', aut de, aut in, aliqua inde parcel' p, de, vel ſub eiſdem T. & I. hered' vel aſſign' ſuis, vel hered' ſeu aſſign' eorum alterius: Et pro hac, &c.

Capt' et cognit' apud K. in Com' Ebor', decimo nono die Ianuarii, Anno reg. Iacob. &c, ſecundo coram

The Commiſſioners names: G. Shrew. W. Weſt.

The names of the parties: T. B. A. B.

Dedimus poteſtatem ſuper breve de conſuetud' & ſervitiis pro fine inde levand'.

Rex, &c. dilecto et fideli ſuo R. H. uni Iuſtic' ſuorum de Banco, Salutem: Cum breve noſtrum de conſuetudinibus et ſervitiis, pendeat coram vobis, et ſociis veſtris Iuſtic' noſtris de banco, inter W. B. armigerum, et E. A. armigerum de conſuetudinibus et ſervitiis, q id E.

eidem

eidem W. facere debet, de libero tenemento ſuo, quod de eo tenet in N. ut in homagiis, fidelitate, releviis, & aliis, in Comit̃ S. Noſq; ad petitionem pred' W. & E. licentiam noſtram eis dederimus inde concordand, ac prefat̃ W. & E. adeo impotentes ſui exiſtant, q; abſq; maximo corporum ſuorum periculo, uſq; Weſtmonaſt', ad diem in dicto brevi noſtro contenṫ, ad cognitiones, quæ in hac parte requirunṫ, faciendas laborare non ſufficient, ut accepimus, nos ſtatui eorundem W. & E. compatientes in hac parte, dedimus vobis poteſtatem recipiendi cognitiones quas iidem W. & E. coram vobis facere voluerint de p̃miſſis: Et ideo vobis mandam⁹, qd ad pref. W. & E. perſonaliter accedentes, cognitiones ſuas pred' recipiatis: Et cum eas receperitis, præfatos ſocios veſtros inde diſtinctè & apertè reddatis certior̃, ut tunc finis ille inter partes pred' de p̃miſſis, coram vobis & ſociis veſtris pred' in banco pred', ſecundum legem & conſuetudinem reg. noſtri Angl' levari poſſit. Et habeas ibi tunc hoc breve T. &c.

Of the Kings ſilver.

The Kings ſilver is the fine which is paid vnto his Majeſty for his highneſſe licence of Concord, which vpon writs of Couenant, be taxed after the rate following: That is to ſay, for lands of the yearly Sect. 154.

value of		is paid	
Li. s. d.		Li. s. d.	
3. 6. 8.		0. 6. 8.	
5. 6. 8.		0. 10. 0.	
7. 13. 4.		0. 13. 4.	
8. 13. 4.		0. 16. 8.	
11. 0. 0.		1. 0. 0.	
12. 0. 0.		1. 3. 4.	
14. 6. 8.		1. 6. 8.	
15. 6. 8.		1. 10. 0.	
17. 13. 4.		1. 13. 4.	
18. 13. 4.		1. 16. 8.	
20. 0. 0.		2. 0. 0.	
22. 0. 0.		2. 3. 4.	
24. 6. 8.		2. 6. 8.	

Euery 5. markes and 20. ſhillings, payeth fine—6. s. 8. d. From 5. markes and 20. s. vnto 5. markes, and 40. s. payeth—10. s. And aboue 5. marks and 40. s. vnto 10. marks and 20. s. payeth—13. s. 4. d. And in like proportion for all other fines.

And

And it is commonly entred by the Clerke of the Kings ſilver, in this forme.

Entrie of the Kings ſilver.

Ebor. ff. I.W. dat Reg. x.s. p licentia concordandi cum E. W. armiger & I. uxor ejus, de placito conventionis, de uno meſſuag', decem acr terr, decem acr prati, & decem acr paſturæ, cum ptin in D. reciting the ſubſtance of the Writ. Et habent Chirographum per pacem admiſ. coram R.W. uno Juſtic' dñi Reg. de banco, Juſticiar in patria.

Obſervations neceſſary at the knowledge of Fines.

Sect. 155. The titling of the note.

WHen a fine is to be knowledged, it is mēt, that before the parties come before the Judges or Commiſſioners, the titling of the writ of Couenant, and Concord, be fairе written, according to the parties mindes, and duly examined, and alſo ſigned, or ſubſcribed by all the Conuſors.

Knowledge of the Conuſors.

It is alſo requiſite that either of the Conuſors be knowne to the Juſtices or Commiſſioners, that muſt take the Conuſance thereof, or that ſome other credible perſon, knowne to him which taketh the conuſance, who knoweth the party, be preſent: And doe ſufficiently enforme the Judge, that they be the ſelfe ſame parties, againſt whom the writ is brought: for ſome will couenously knowledge fines in the name of others that be owners of the land, 34. H. 6. fo. 19.

Examination of Wives.

And if a Feme covert be Conuſor, ſhe muſt be perſwaded to yēld her conſent, and be fully agreēd with, before ſhe be examined, for in all caſes, where a feme covert is to depart with any thing by fine, shē muſt be examined by the Juſtices or Commiſſioners that take the conuſance, and confeſſe that ſhe doth make conuſance freely, and not through feare or compulſion of any, before the conuſance will be accepted. But where ſhe is to take benefit by a fine, ſhe ſhall neuer be examined, 42. Ed. 3. 7. 3. H. 6. 42. 46. Ed. 3. 15. 8. H. 6. 2. 4. Ed. 3. 62. Statut de finibus 18. Ed. 2.

Value.

Alſo the yearely value of lands ſhould be ſet downe vnder the Concord, and ſome honeſt perſon which knoweth the land, brought thither

Oath.

to make oath for the value thereof: For without ſuch oath, or compoſition the fine cannot paſſe.

Compoſition.

And compoſition with the Commiſſioners will not readily be made without oath, or ſome late fine, licence, or other matter of record, to informe the Commiſſioners of the value thereof. Which being done, the writ of couenant is again there to be entred, and the fine therof (if it be fineable) muſt there be paid to the receiuer, & the writ muſt be ſigned by the ſaid Commiſſioners, and that done, the ſaid writ muſt be ſealed,

led and returned with the Concord ¶ Dedimus poteſtatem, if the cogniſance was taken by Dedimus poteſtatem, and then the ſaid writings muſt be taken out and ſigned by the Cuſtos brevium, and thence they muſt be caried to the Clerk of the Kings ſiluer, who muſt take a note thereof for the entry of the K. ſiluer, and ſigne the ſame again, and then muſt they be deliuered to the Chirographer of fines, to be ingroſſed and proclaimed. The examples whereof appeare in their apt places.

How and when cogniſances of fines muſt be certified, and what may hinder the ſame.

If they which haue taken Cogniſance of a fine will not certifie the ſame in conuenient time, a Certior is to be awarded vnto them, cõprehending the matter of the Dedim' poteſtat', and commanding them to certifie, &c. which if they doe not, there lyeth againſt the Commiſſioners an Alias, Pluries, and Attachment, &c. Fitz.N.B.147.b. Sect.156. Certificate.

But they are not bound to certifie ſuch Recogniſances, but within the yeare after ſuch caption thereof, but if they doe, it is good enough, 23.El c.3. And with euery ſuch certificate they muſt certifie the day and yeare wherein the ſame was knowledged, Thus, capt' apud R. in Com Eborũ 20. die Octob. Anno reg' Ja. Regis, &c. Time.

Elſe no Clerk or Officer may receiue the ſame, but ſhall forfeit for euery writ otherwiſe receiued v.li. 23.El.c.3. If any of the parties to a fine die after recogniſance therof, and before it be certified, it ought not to be certified, 1.H.7.9. 33.H.6.fo.52. Dyer fo.146.pl. 68.7.El. Forfeiture.

But if ſuch cogniſance of a fine be certified, and the Kings ſiluer entred, the fine is good, and may afterwards be ingroſſed, though it be in another Terme; Thus, K. ſilver.

Hæc eſt finalis concord' fact', &c. in craſt' Purĩ beatæ Mar', & poſtea conceſ. & record' in quind' Paſchæ, Dyer f.220.pl.15, & f.254. pl.104.

If the Juſtice or Commiſſioner that hath taken the knowledge of a fine, die before it be certified, their Executors or Adminiſtrators may certifie the note of the fine to the Juſtices of the Common place, by writ of Certiorãri out of the Chancery to them directed, 8.H.4.5. 1.H.7. 9. Fitz.N.B.f.147.b. The forme of which Certiorari is ſuch. Juſtice or cõmiſſion dieth.

Rex dilectæ ſibi B.W. vid' executr teſtamenti T.W. nuper unius Juſtic' nr̃orum de Banco ſaluẽ, volentes certis cauſis certiorar' ſuper quaſdam cogniẽ cujuſdam finis int' T. D. & I. G. de uno meſſ. cum pertiñ in T. & com E. per pred' nuper Juſtic' capt', ac in cuſtodia tua ratione execuc' teſtm̃ pred' exiſtẽ ut dicit', tibi precipimus q̃ cognitiõ predict' Juſtic' nr̃is apud Weſt. ſub ſigillo tuo diſtincte & aperte ſine dilatione mittas, & hoc bre, ut iidem Juſtic' ulterius ad ſũ illum levand' fieri fac' quod Certiorari exec' Juſtic' ſuper cognitiõ finis.

quod de jure, & ſecundum legem & conſuetud' regni nri Angliæ fuit faciend', T. &c.

Iuſtice diſcharged.

In like manner, if a Iuſtice hauing taken cogniſance of a fine, be diſcharged of his offite before he hath certified the ſame, he may not certifie it without a like writ, notwithſtanding that he be reſtored to his place againe, 8.H.4.5. 1.H.7.9.

And thereupon it hath bẽ vſed, that a writ hath bẽ directed to the ſaid Iuſtices to receiue the ſame cogniſance, but I ſee no vſe thereof at this day, F.N.B.147.E.

The Kis death,

But if the King die after the cogniſance taken, and before the certifying thereof, the Iuſtices cannot then certifie, Nam per mortem ſeu dimiſſionem regis, ceſſat poteſtas Judicis, 1.H.7.9. yet learn, for I think the ſtatute of 1.Ed.6.c.7. doth remedy this miſchiefe: for the words thereof be theſe in effect, viz.

By the death and demiſe of any King, no action, bill, or plaint, that ſhall depend between party and party in any court of record, ſhall be diſcontinued or put without day. But if the King die after the Kings ſiluer is entred, and before the fine be ingroſſed, the writ of couenant may be reſummoned, and the fine ingroſſed, 1.H.7.9.

Feme.

If a feme ſole by Dedimus poteſtatem, knowledge a fine, and before the returne thereof marry, this fine may be certified and ingroſſed, as of a feme ſole, becauſe the taking of her husband after the fine knowledged is her owne voluntary act, and ſuch fine ſhall bar her and her heires for euer, Dyer fo.246.pl.68.Mich.7,& 8.El.

Signed.

Euery writ of Dedimus poteſtatem (to ſpeciall commiſſioners, for the taking of the cogniſance of fines) ought to be ſigned by the Lord Chancellor, or L. Keeper, or chiefe Iuſtice of the common place, or the Iuſtice of the circuit where the land lyeth.

Of the inrolment of writs of Couenant, Dedimus poteſtatem, *and knowledges thereupon, which is termed the foot of the fine.*

Sect.157.

Before the ingroſſing of the fine by the Chirographer, the Writ of Couenant, the writ of Dedimus poteſtatem, with the knowledges and notes of the ſame, muſt be inrolled in a roll to be of record for euer, to remaine in the ſafe cuſtody of the chiefe Clerke of the common place, (which is Cuſtos brevium) and his ſucceſſors, who muſt haue xvii.d. fee for entring of the Concord, to the intent that if the notes of the fines in the cuſtody of the Chirographer be imbeſſelled, execution may be had vpon the ſaid roll, 5.H.4.c.14. Upon this roll the Proclamations are endorſed, and theſe notes are termed the foot of the fine, Dyer fo.321.pl.19.15.El.

Inrolment.

Cuſtos brium Fee.

Imbeſſelling.

Proclamations

The foot of the Fine.

Of

Of the note of the fine.

The note of the fine, is a note thereof made by the Chirographer before it be ingrossed, which beginneth thus: Sect. 158. The note of the fine.

Ebor. ff. Inter A.B. quer, & C.D. deforc' de duobus messuagiis, duobus cotagiis, centū acr terræ, quadraginta acr prati, viginti acr pasturæ, una acr bosci, octo acr jampnor & brueræ, & uno denario reddit cū pertiñ in A. unde placit convenc' summ fuit inter eos, &c. scz. quod pd C. recogn tenta & redd pd cum pertiñ esse jus ipsius A. & concess. p se & hered suis, q pd tenta & redd cum pertiñ, quæ pd G. & I. tenēt ad termiñ vitæ ipsius I. de hered pred C. die quo hæc concordia facta fuit, & quæ post decessum ipsius I. ad pd C. & hæredes suos debuerunt reverti, post decessum ipsius I. integre remañ pred A. & hered suis tenend de capitalibus dominis feodi illius, per servitia, quæ ad prædict' tenta & reddit pertinent imperpetuum: Et p hac recogn, concessione, fine, & concordia, idem A. dedit pd B. 100. marcas sterl. **Upon which note, before the ingrossing of the fine (if it be of a remainder, reuersion, rent, or seignior) writs of** Quid juris clamat, per quæ servitia, or quem redditum reddit, **must be sued as the case requireth,** Plo. fol. 43. b. 22 H. 6. 13.

Quid juris clamat.

Quid juris clamat **is a judicial writ, and issueth out of the Record of the fine, remaining in the keeping of the** Custos brevium **of the Common place,** Plo. 43. b. **before it be ingrossed, for after ingrossing, it cannot be had,** Plo. fol. 431. b. 22. H. 6. 13. F. Nat. br. 147. a. **which lieth for the grauntee of a reuersion or remainder, when the particular tenant will not attorne to enforce him to attorne,** 22 H. 6. 13. Plo 431. b. **And it is made in this forms.** Sect. 159.

Rex vicecom salutem. Pr tibi quod venire facias coram Iustic' nr is &c. tali die G. & A. uxorem ejus, ad cognoscendum quid juris clamant in uno messuag', & decem bovatis terræ cum pertiñ in B. quæ tenta cū ptiñ M. quæ fuit uxor G. in Cur nostra &c. concessit A. de B. per finem ibi inde inter eos factum. Et habeas, &c. Summons.

And the finall cause of this writ of Quid juris clamat, **is, that the grantee or cognisee of the reuersion or remainder, may by that attornment of the particular tenant, be enabled (if cause be giuen) to bring an action of waste, or to auow for rent reserued, or seruices behind, which he cannot do without attornment,** Plo. fol. 431 b. 22. H. 6. 13.

Tenant in dower shal attorne though the writ suppose her to be tenant for life, because she claimeth no greater estate than franktenemēt, Hil. 31. E. 3. Fitz. Quid juris clam 3. **yet it seemeth she therby loseth her warrantie, and aduantage to be newly endowed, if she be euicted,** 10. E. 3. Tenant in dower.

E.3.Fitz. Quid juris clamat,&c.41.

Brieſe. If a gift be for life,the remainder for life,the writ muſt mention the remainder, Hill 3.E.3.15.Fitz.Fines 9.

It is meet therefore to learne who are compellable hereby to atturn, and who not, and by whom.

What perſons may obtaine atturnment by Quid juris clamat, *and what not.*

Sect.160. The grantée of a reuerſion void of impediments, 34 H.6.b.Fi.nū. br.fol.168.b. Fitz.nat.br.147.a.

Grauntee de reverſion.

Infant. But an Infant cannot, becauſe if a leaſe for life without impeachment of waſt be pleaded in barre, he cannot conteſſe it, 43 E.3.5.contr̄ 23 E.3.Fitz. Quid juris,&c.42.

Nothing in the reverſion. If the conguiſor haue nothing in the reuerſion,the tenant ſhall not atturne, Lib.Int̄ fol.536.

Feme covert. A feme covert without her husband,albeit the fine was leuied when ſhe was ſole, 11 H.4.7.

Divers. If there be diuers pleas, and one die hanging the plea, yet ſhall the tenant atturne to the reſt, 48 E.3.32.

Divers. Or if diuers ſue the writ,and one be nonſuit,yet atturnment ſhal be vnto the other without ſummons & ſeuering of the other, 46 Ed.3.32.

Abbot. Abbot avera atturnment dun ten̄ pur vie ſans mr̄e licence, & neſt forfeiture,17 E.3.7.

Diſſeiſor. If cogniſée diſſeiſe the tenant of part, he ſhall haue no atturnment, 19 E.2.Fitz. Quid juris &c.46.

What perſons be compellable to atturne by Quid juris clamat, *and what not.*

Sect.161. The writ of Quid juris clamat lieth againſt the particular tenant of the land for life,34 H.6.b.Nat.br. fol. 168. b.Fitz.Nat.fol.147. a.49.h.though he be but a tenant for life of land holden in Capite, or a feme covert, 45 E.3.11.

T.for life.

Feme covert.

T.for yeares. And a tenant for yeares ſhall atturne, 3 H.4.3.

T.in taile. But tenant in taile is not compellable,becauſe of the eſtate of inheritance which is in him, 38 E.3.20. Nor tenant in taile, after poſſibilitie of iſſue extinct, for the inheritance which was once in him,43 E. 3.1. 46 E.3.13.& 27.

T.in taile after poſſeſ.

T.for life of lands in capite A particular tenant of lands holden in Capite,is not compellable to atturne without ſight of licence of alienation, leſt his lands ſhould be ſubject to a fine for the alienation without licence, 45 E.3.6.

Executors. If A.and B.haue an eſtate for ten yeares,as executors,and B.haue fine

fiue yeares in reuerſion in his owne right, he muſt atturne, becauſe he is poſſeſſed of the whole terme, and the atturnment of one executor of a terme is good enough, 32.E.3, Fitz.Quid jur̃ 5.p Stanh.

But if A. leaſe to B. and C. for vi. yeares, and after confirme the eſtate of B. for life, the note of the fine ſhall make mention of B only, p Seton, 32.E.3. Fitz.Quid jur̃ 5. T.pur vie ove A.l ur ans.

If tenant in Dower, or by curteſie, grant their eſtate, yet the Quid jur̃ clam lyeth againſt them, for none but they can be tenant in dower, or by the curteſie, 18.E.3.5. T.Dower. T.Courteſie.

If a leaſe for yeares with liuery be vpon condition, that if the Leſſée pay x.l. ſuch a day, or the leſſor die within the term, &c. he ſhall haue fée: If before the day the leſſor alien by fine, this tenant ſhall atturne (Salvis advantagiis) and yet if he pay the ten pound at the day, or the leſſor die during the terme, the leſſée ſhall haue fée, 6.R.2. Fitz. Quid juris clamat 20. T.for yeares upon conditiõ.

If a Quid juris clamat be againſt two as tenants in common, he which appeareth muſt atturne, if he plead not that they are ioynte-nants, 16.E.3. Fitz. Quid jur̃ 21. Vers T.in commen.

If a particular tenant grant ouer his eſtate after the note leuied, yet muſt he atturne, 17.E.3. Fitz. Quid jur̃ 11. After aſſignement.

If the tenant atturne once vpon the grant of the conuſor, he ſhall atturne no more, 4.E.2. Fitz.Quid jur̃ 45. Once attorne.

If a joynt tenant, or tenant in common of a reuerſion, grant his part by fine, the particular tenant ſhall not be compelled to atturne, 5.E.3. Fitz.Quid jur̃ 40. Ioint Tenant. Tenant in commen.

Upon a leaſe for life vpon condition, that if the leſſée die within xx. yeares, that his executors, adminiſtrators, or aſſignes ſhall hold vnto the end of xx.yeares, the leſſée ſhall atturne as tenant for life, with proteſtation to ſaue his intereſt, 16.E.3.20. E.3. F.Quid jur̃ 22.31. Tenant for life upon condition.

If the reuerſion of two joynt tenants for life be granted by fine, ſuppoſing the one to be ſole tenant, the tenant is not compellable to atturne, 32.E.3. F.quid jur.5.p Seton. Ioint tenant of a reverſion.

But tenant by ſtatute or Eligit ſeemeth not compellable to atturn, becauſe the conuſor cannot compell him to account, and he may hold the lands after his ſumme ſatisfied, vntil he haue leuied his damages, 6.E.3.53. F.Fines 99.E.3. F.qu.jur̃.47. T.by Eligit.

Nor a tenant for life, where the husband ſole is conuſor of his wiues land: for if he doe atturne, the wife ſuruiuing her husband may enter for forfeiture, 27.E.3. Baron ſole conuſor.

And a Clerk which hath no lay fee is not compelled to atturne, 38. E.3.28. A Clarke.

Nor tenant for life in reuerſion or remainder, 34.H.6.b. Reverſion.

Nor

Frankmariage. Nor tenant in frankmariage, Lib. intr̃ Quid juis clamat 11.

Infant. Nor an Infant, 43 E.3.1.

Ideot. Nor a Lunatike, madman, or Ideot, as it semeth, because of their disabilities.

But attournement made by such persons, as are able, but not compellable to atturne, is good 12 E.4. Nat.br.fol.170.b.

With exceptiõ. And an atturnement may be with an exception, if the tenant haue a lease for life without impeachment of wast, as he may attourne saving his aduantage, and it shall be so entred, 45 E.3.11. 24 E.3.

Covenants. Annuitie. Warrantie. Acquitall. If the tenant haue couenants to repaire &c. 48 E.3.32. Or haue an Annuitie out of the land, 48 E.3.32. Or couenant of warrantie or acquitall, 41 E.3.48. Or to fell trées, he may attourne, sauing these aduantages.

Graunt. Remainder in fee. If A. seised of lands in fée, thereof infeoffe B. to the vse of the said A. for life, and after to the vse of his executors and assignes for xx. years after his death: And then to chase of C. in fée, Quære if A. shall be compelled to atturn in Quid jur̃ clamat, supposing him tenant for life onely, and not mentioning the terme, without sauing of his terme by protestation, Dyer f.309.pl.77.14.El.

No view lieth in a Quid juris clamat, 15 E.4.28.

What places will barre the plaintife of attournement.

Sect.162. Seisin in fee. IF the tenant plead that he is seised in fée the day of the note leuied, without that, that he was then seised for life, without shewing how he is so seised, 15 E.4.28. 1 H.7.27.

The connsor had nothing. Or if the tenant for life plead, that before the fine an estranger was seised in fée, and released vnto him in fée. Without that, that the recognisor had any thing in the lands the day of the note leuied, 3 H.4.3.

Nonterme. If a particular tenant plead, he holdeth not of the cognisor the day of the note leuied, he must shew what estate he claimeth, and from whom. 3 E.3.6. Fitz. Quid juris clamat 6. 14 E.3. Fitz. Quid jur̃ 9.

But if he claim fée he shal not shew how, 14 E.3.3. Fit. Fines 7. but trauerse that he holdeth for life, 1 H.7.27.

Seisin in fee. Seise de tali stat. qual' &c. Lesse for eight yeares, vpon condition, that if the lessor alien within the terme, he shal haue fée, cannot alledge that, and say that he claimeth estate according to the tenor of his déed, but must plead his estate certainely, 2 E.2. Fit. Quid jur̃ 38.

For parcell. If the tenant confesse for part, and plead a plea which may forfeit his estate therein, he must attorne by and by, 11 H.4.57. Cont̃ 22 E.3. 18. Fit. Fines 33.

Releas. Release of the cognisor before the cognisance, to the heire, or his ancestor in fée, is a good bar, 44 E.3.34.

If

If leſſee pur ans claime pur vie, & faile de eo, il forfeit ſon terme, 6 R.2.Fitz.Quid jur̃ 20.Pleſingtons caſe. Forfeiture per 1.pur ans.

What proceſſe lie in a Quid juris clamat.

The proceſſe in a Quid juris clamat, is ſummons and diſtreſſe infinite,Nat.br.169.a. but if the tenant appeare, and plead no gowbarre,and yet will not atturn,he ſhall be impriſoned, 37 H.6.14. Sect.163. Proceſſe. Correction.

But if the tenant diſclaime, and if it be found againſt him, he ſhall atturne, 4 E.3.27. Diſclaimer.

But if the tenant for life, yeares, in dower,by curteſie, or extent, by plea claime fee,or fee taile,and it bafound otherwiſe,he doth forfeit his eſtate, 15 E.4.28.Natur.br.fol.168.b.

And the tenant may atturne by Dedimus poteſtatem, the forme whereof enſueth, Regiſt.167.b. Att. by De.Po.

Rex dilecto & fideli ſuo I.M.militi,&c. Cum breve noſtrũ de conventione pendeat coram vobis & ſociis veſtris Iuſticiaꝝ noſtris de banco,inter R.& P.de centum acr̃,&c. quas I.tenet ad vitam ſuam de prefato P.ad finem inde inter præfatos R. & P. ſecundum legem & cõſuetudiñ regni noſtri Angl' levand',per qd vicecomiti noſtro Norff. p breve noſtrum mandavimus,q̃ venire faciat coram prefat̃ Iuſticiariis noſtris p̃dictum I.ad diem in brevi illo contentum, ad cognoſcendũ quid jur̃ clamat habere in terra predicta, ac præf. I. adeo impotens ſui exiſt' q̃ uſque bancum predict', ad diem ſibi datum abſque maximo corporis ſui periculo laborare non ſufficit, ad cognoſcend' quid juris clamat habere in terra pred' : Nos ſtatui ipſius I. compatientes in hac parte dedimus vobis poteſtatem recipiendi cognitionem, & teſtificandi atturnamentum q̃ pref.I coram vobis facere voluerit in hac parte: Et ideo vobis mandamus, q̃ ad p̃f. I. perſonaliter accedentes, cognitionem quam coram vobis in hac parte facere voluerit,recipiatis : Et cum eã receperitis,& ipſe coram vobis, put moris eſt, ſe atturnaverit, pred' ſocios veſtros de cognitione pred' diſtinctè & apertè certificetis, pred' atturnamentum teſtificantes, ut finis ille inter partes p̃d' de terra p̃d' corã vobis & ſociis veſtris predic' in banco predicto levari poſſit,ſecundum legem & conſuetudinem ſupradictas. Et habeatis,&c.

By default appearance Diſtring' ad atturnand' ſhall bee awarded, 2 E.3.9. Default.

Nonſuit in quid juris clam̃,is not peremptory : 18 E.3.6.Fitz. Quid jur̃ 27.24.E.3.Fitz.quid,&c.39. Nonſuit.

The writ of Summons in Quid juris clamat, is after this manner.

IAcobus dei gratia,&c. vic' Ebor̃ ſalutem : P̃ tibi, quod venire fac' coram Iuſtic' noſtris de banc. à die Paſchæ in xv.dies, A.B. ad cog- Sect.164. Summons.

noſcend' quid jur' clam' in uno meſſuagio, & decem ac' ter', cum pertin' in B. quæ M.N. in cur' noſtra, &c. conceſſit C.D. per finem ibi inde inter eos factum, & habeas ibi T. &c. **Upon which writ none eſſoine lieth, 9 H.6.22. 33 H.6.5.**

At the return of which writ, the Sheriſe doth returne him ſummoned, thus endorſed upon the backe of the writ.

Pleg. infra nominat' A.B. { I.M. / R.L. }
E.R. vic'.

And if the pl. appeare, and the tenant make default, the entrie is thus:

Default. P' fuit vic' Eb' quod venire fac' hic à die Paſch. in xv. dies, A.B. ad cogn' quid jur' clam' in uno meſuagio & centum pertin' in B. quæ M.N. in cur' Reg. hic conceſſit C.D. per finem hic inde inter eos factum: Et modo ad hunc diem ven' pred' C. per H.I. act' ſuum, & pred' A.B. non ven' & manucapt' fuit per I.M. & R.L.

Diſtreſſe. Ideo ipſe in omnia &c. Et p' eſt q' diſtr' eum per omnes terr' & catall' ſua &c. Et q' de exitibus &c. Et q' habeat corpus ejus hic à die ſ. trin in 3. ſept', ad cogn' in form' pred' &c. Et idem dies datur pred' C. hic &c.

Eſſoine. **At the return hereof none Eſſoine lieth, becauſe it is Judiciall, 9 H.6. 22. 33 H.6.5.**

The diſtreſſe in Quid juris clamat.

Iacobus dei gratia, &c. vic' Ebor' ſalutem: P' tibi, q' diſtr' A.B. per omnes terr' & catalla ſua in balliva tua. Ita quod nec ipſe, nec aliquis p ipſum, eis manum apponat, donec aliud à nobis inde habueris p'ceptum & q' de exitibus eor' nobis reſpondeas, ita quod habeas corpus ejus cor' Iuſtic' noſtris apud Weſt. à die ſanc' Trinit' in tres ſept', ad cognoſcend', quid juris clamat in vno meſſuagio, &c. cum pertin' in B. quæ M.N. in cur' n're coram Iuſtic' n'rs apud W. conceſſit. C.D. p finem inde ibid' inter eos factum, & ad audiend' inde judicium ſuum pro pluribus defaltis. Et habeas ibi hoc breve. Teſte, &c.

If at the day of the returne hereof the parties appeare, the entry is thus:

Alias, put patet termino S. Trinitatis ultimo præterito, Ro' 60. c'tinetur ſic, ſſ. P' fuit vic' E. quod diſtr' A.B. per omnes &c. *ut ſupra*, in brevi inde, **vntill** (& ad audiendum &c.) **And then,** Et modo hic ad hunc diem ven' tam pred' C.D. p atturn' ſu' præd', quam pred' A.B. in propria perſona ſua, & ſuper hoc idem E.B. petit audit' brevis pred', & ei legitur, petit etiam auditum notæ unde breve præd' emanavit, & ei legitur in hæc verba E.ſſ. inter C.D. querent', &c. **as the note is: And then if the tenant will atturne generally, the entrie further is:** Quia audita & intellecta, idem A.B. dicit, quod ipſe clamat tenere præd' meſſua-

Atturnement generall.

meſſuagium,&c.ad terminum vitæ ſuæ, prout per notam pred̄ ſupponitur,quodq; ipſe paratus eſt ſe prefat̄ C. D. inde atturnare, & ſe ei in Curia hic inde attornavit,& recogn̄ &c. Et fecit fidelitatem : ideo finis inde ingroſſetur.

But if atturnment be made out of the Court, the cognisée may informe the Court thereof, and at his suit then this entry shall be, videlicet.

Et modo hic ad hunc diem ven̄ predictus C. D. in propria perſona ſua,& dicit quod predictus A.B. atturnavit ei inde in propria perſona, & petit quod finis inde ſuo periculo ingroſſetur, ideo finis periculo ſuo ingroſſetur,&c.

But if the cognisée appeare, and will atturne ſpecially, it may be done in this manner, viz. Prec' fuit,&c. ut ſupra, **Reciting the Proceſſe, and the tenant demanding and having** Oyer **of the Writ, and note of the Fine, he may plead thus,** viz. Atturnment ſpeciall.

Et ſupra hoc,idem A.dicit,quod ipſe tenet tenementa pred̄ cum p̄tinentiis ad terminum vitæ ſuæ, ex dimiſſione M. N. per quandam chartam ſuam indentatam, Cujus alteram partem ſigillis, pred' M. N. ſignat̄ idem A.hic in Curia profert,cujus tenor ſequitur in hæc verba. **This Indenture made, &c. rehearſing the whole Indenture,** & ſalvis ſibi omnibus advantagiis & conditionibus ſcript̄ pred̄, dic', quod ipſe paratus eſt prefat̄ C. D. de tenementis predictis, virtute notæ predict' atturnare. Et predict' C.D.non cogn̄ ſcript̄ predict' dic', quod ex quo idem A. B. tenet tenementa predict' cum pertinentiis, ex dimiſſione predict' M. N. ſecundum vim & affectum notæ predict', petit quod idem A. B.ſe inde ei atturnet,&c. Et predictus A.B. dic' quod,ſalvis ſibi omnibus advantagiis & beneficio ſcript̄ predict', paratus eſt ſe inde eidem C.D. de tenementis predictis atturnare,&c. Et poſtmodo idem A.B. ſalvis ſibi advantagiis ſcript̄ predict̄, ſe prefat̄ C. D. hic in Curia atturn̄, & cogn̄, &c. Et fecit ei fidelitatem, &c. Ideo finis inde ingroſſ. &c.

But if the tenant will plead in Bar, he may doe it thus, if he be tenant in frankmarriage, P̄ fuit, &c. *ut ſupra.* Barre.

Et predictus A.C. dicit,q̄ quidam P. N. pater p̄d̄ M. N. cujus hæres ipſe eſt,&c. per chartam ſuam dedit tenen̄ p̄d̄ cum p̄tin̄ eidem A.B. in libero maritagio cum E.filia ſua,ſalvand̄ ſibi reverſionem,&c.qui quidem E. obiit ſine exit̄ de corpore ſuo ꝓcreat̄, Et ſic dicit q̄ ipſe tenet tenementa p̄d̄ per form̄ charte p̄d̄,Et q̄ reverc' inde poſt mortem ſuam ſpectat ad p̄d̄ R.M.& petit judic' ſi ipſe de tali ſtatu ſuo ſe alicui inde atturnare debet,&c. & ꝓfert hic in curiam chartam p̄d̄, q̄ donum p̄d̄ in forma p̄d̄ teſtatur,&c. Et p̄d̄ C. D. dicit, qd die, quo nota finis p̄d̄ levavit,ſcil.9.die,&c. pred' A. tenet pred̄ tenta ad terminum vitæ ſuæ Done in frankmarriage.

prout per notam p̄d̄ ſupponitur, abſq; hoc quod ipſe tunc tenuit tenementa p̄d̄ in liberum maritagium, ꝓut ipſe ſuperius allegavit. Et hoc petit quod,&c. Ideo 12.&c.

Dr thus, if the tenant claime fée, or be not tenant.

Quibus lectis,idem A.B.dic', qd ipſe, virtute notæ p̄d̄, ſe p̄f. C.D. atturnare non debet,quia quod unum meſſ.&c.quæ ſunt in p̄d̄ villa de S.de tenem̄tis p̄d̄ in nota p̄d̄ contentis, idem A.B. dicit, q̄ ipſe, tēpore levationis notæ illius, fuit ſeiſitus de predicto meſſuagio,&c. in dominico ſuo ut de feodo,ex dono & feoffamēto cujuſd̄ L.T. ſibi inde facto: Abſq; hoc,quod ipſe tempore levationis notæ illius,tenuit medietatem illam ad terminum vitæ tantum, ꝓut per notam illam ſupponitur. Et hoc,&c.unde petit judicium,ſi ipſe,virtute notæ p̄d̄ ſe prefat̄ C. D. de pred' meſſuag',&c. atturnare debet,&c. Et quoad tenem̄ta p̄d̄, reſidua tenementor̄ in nota predict' contentorum,idem A.B. dicit,q̄ ipſe, nec tempore levationis notæ predict̄, nec unquam poſtea tenuit eadem tenementa,imo quod W.A.qui adhuc in vita exiſtit,adtunc fuit inde tenens,ut de libero tenem̄to ſuo, & adhuc exiſtit. Et hoc, &c. unde &c. *ut ſupra.*

Et prædictus C.D.dicit, quod ipſe ab Attorn̄ præd̄ A.B. virtute notæ prædict' habend̄ præcludendi non debet,quia quoad pred̄ meſſuag' in L.pred̄,idem C.D. dicit.qd predictus A.B. tempore levationis notæ illius, tenuit meſſuag' illud cum pertin̄ ad terminum vitæ ſuæ tantum, ꝓut p notam illam ſupponitur. Et hoc petit q̄ &c.Et pred̄ A. B. ſimiliter. Et quod tenementa pred̄ reſidua dicit, q̄ tempore levationis notæ pred̄,predictus A.B. fuit tenens eorund̄ ad terminum vitæ ſuæ, ꝓut p notam illam ſupponitur. Et hoc paratus,&c. unde petit judicium & qd̄ pred̄ A.B. ſe inde atturnet.

Et prædictus A.B. dicit qd ipſe, tempore levationis notæ pred̄, non fuit tenens predictor̄ reſiduorum tenementor̄ ad termin̄ vitæ ſuæ, ꝓut &c. Et de hoc,&c. Ideo 12.&c.

Dr thus where the Cognisor hath nothing in the reuerſion.

P̄ fuit Vic' E.&c.*ut ſupra.* Quibus lectis & auditis, idem A.B. dicit qd ipſe virtute notæ pred̄,ſe pref̄.C.D. atturnare non debet, quia dicit, quod pred' M. N. qui recognovit tenementa predicta cum pertin̄ eſſe jus ipſius C. D. &c. nihil habuit in Reverſione eorundem ten̄tor̄ cum pertin̄,tempore levationis notæ pred̄, Et hoc parat' eſt verificare unde petit,&c. *ut ſupra.*

Et predict' C.D. dicit, quod prædict' A.B. tempore levationis notæ predictæ,ſcz. in octabis Sancti Hillar̄,&c.tenuit tenementa prædict̄ cū pertinentiis ad terminum vitæ ſuæ, Reverſione inde poſt ejus mortem præf. M.N. qui recogn̄, &c. & hered̄ ſuis ſpectant̄, prout per notam predict' ſupponitur, Et hoc petit quod inquiratur per patriam.

Et

Et pred. A.B. ſimiliter. Ideo 12.&c.

But if the tenant claime an eſtate taile by deuiſe, thus:

Quibus lectis & auditis &c. idem A.B. dicit qd ipſe, virtute notæ illius, ſe pref. C.D. de tenementis p̄d̄ atturnare non debet, quia dicit, qd antequā pred̄ M.N. aliquid habuit in teñtis prædictis cum pertinenť, quidam I.E. fuit ſeiſitus de teñtis predict' in dominico ſuo ut de feodo, quodque eadem tenementa cum perť tenentur, & tēp. levac' notæ p̄d̄ tenebantur de W.S. in ſocagio per fidelitatem ei, &c. idemq; I. ſic inde ſeiſitus exiſtens, 1. die Maii ultim̄ preterito condidit teſtam̄ & ultimā voluntatem ſuā in ſcriptis, & per eadem legavit prefat̄ A.B. teneñ pred. per nom̄, &c. habend̄ ſibi & hered̄. de corpore ſuo legitime ꝓcreat̄. Et poſtea ibm̄ obiit, poſt cujus mortem prædict. A.B. in teñta præd̄ cum pertiñ intravit, & fuit inde ſeiſitus in dominico ſuo ut de feod̄ talliato, viz. ſibi & hered̄. per formā ſtatuti & ultim̄ voluntatis predict'. Et hoc &c. unde, &c.

Et predictus C.D. dicit, Qd ipſe, per aliqua preallegata ab atturnamento predict' A.B. virtute notæ pred' precludi non debet, quia dicit, quod bene & verum eſt, quod præd̄ I. E. fuit ſeiſitus ut ſupra, prout in brevi prædict. ſuperius allegatur: ſed idem C.D. dicit, Qd idem I.E. ꝓ idem teſtam̄ & ultim̄ voluntatem ſuā, inter alia legavit tenementa p̄d̄ cum pertinentiis, &c. per nomina predict', pref. A.B. ꝓ term̄ vitæ ſuæ, & poſtea idem I.E. obiit, poſt cujus quidem I.E. mortem idem A.B. in teneñ pred. cum pertinentiis intravit, & fuit inde ſeiſitus in dominico ſuo ut de libero tenemento per formā teſtamenti & ultimæ voluntatis pred̄, Abſque hoc, qd idem I.E. p teſtamenť & ultimā voluntatem ſuam predict' legavit prefat̄ A.B. &c. *ut ſupra*, prout predict. A.B. ſuperius allegavit, Et hoc, &c. unde, &c. Et prædict' A. B. ut prius dicit, &c. (*ut ſupra in brevi*) prout ipſe ſuperius allegavit, Et de hoc, &c.

The tenant may attorne for parcell, excepting the reſt, and plead thereunto.

Et modo ad hunc diem hic in curia venit tam predictus E. I. ꝓ W. W. Atturnatum ſuum, q̄ pred̄ I.E. in propria perſona ſua, & ſuper hoc pred̄ E.I. per Atturnatum ſuum pred̄ petiit, qd p̄d̄ I. E. ei inde atturñ, &c. Et predict' I.E. petit auditum brevis predict' & ei legitur, &c. Petit etiam auditum notæ finis unde breve predict' emanavit & ei legitur in hæc verba: Inter R. querentem, & P. deforciant', &c. **rehearſing the whole note.** Quibus lectis & auditis, idem I. E. quoad teñt' p̄d̄ exceptis decem acris in D. inde parcel', dicit quod ipſe paratus eſt p̄fato R. inde atturnare, Et ſe ei in curia hic atturn' de teñtis prædictis, exceptis pred' decem acris terræ, Et cogn', &c. & fecit fidelitatem, &c. Et quoad pred̄ decem acras terre in D. idem I. E. dicit quod ipſe, tem-

Attournment for part, and plea to the reſt.

pore levationis notæ præd. fuit ſeiſitus de eiſdem x. aeris terræ, cum p-tiñ in dñico ſuo ut de feodo, abſque hoc q̄ ipſe præd tempore levatiõ notæ præd, eaſdem x. acr̃ t̃r̃ cum pert̃ tenuit pro termino vitæ tantum ,put &c. Ideo finis inde ingroſſetur, Dyer f. 212. p. 35. 4. El.

And when the Tenant doth atturn, the note of the fine is to be deliuered to the Chirographer: And then it muſt be written vpon the back ſide of the ſame note ouerthwart. theſe words:

Infravo īat̃ A.B. attornavit ſe infraſcript̃ C.D. virtut̃ hujus notæ, ,put parte Tr̃ 39 El. Rot. 9.

Atturney in Quid juris clamat.

Sect. 165. **VPon ſuch a plea pleaded, that the tenant may forfeit his eſtate, he may make an atturney,** 21 E. 3. 48.

Or if the tenant ſuggeſt in Chancery, that he will plead ſo as he forfeit his eſtate, he may make Atturney by Ded. pot. **in forme following:**

Iacob' degratia. &c. dilecto & fideli ſuo Fr. B. &c. cum br̃e noſtrũ de conven' pendeat coram vobis & ſociis vr̃is Iuſtic' noſtris de banco, inter R. & P. de cent̃ acr̃, &c. quas I. tenet ad vitam ſuã de præf. B. ad finem inde int̃ præf. R. & P. ſecund' legem & cõſuet̃ regni nr̃i Angl' levand', per q̄ vic' nr̃o Ebor̃ per br̃e nr̃um mãdavimus q̄ venire fac' coram pref. Iuſtic' noſtris, pred' I. ad diem in br̃i illo contentum, ad cognoſcend' quid juris clamat habere in t̃r̃ præd', Et ex parte dicti I. datum eſt nobis intelligi, q̄ ipſe ſuper finẽ præd. atturnare non debet, eo quod ante levac' notæ finis præd. quidã S. exiſt. ſeiſit' de t̃r̃ illa in dñico ſuo ut de feod', illam dedit pref. I. & hæred̃ de corpore ſuo. Et ipſe ad diem ſibi datum in banco pred. materiã illã ad bre. pred. placitabit. Et tamẽ adeo impotens eſt & ſenio confectus, qd uſq; bãcum pred̃ ad diem ſibi datũ, abſq; max' corporis ſui periculo, laborare non ſufficit ad placitãd. p̃ illud, nos ſtatui ejuſdem I. compatientes in hac parte, dedimus vobis poteſtatem recipiend' atturnat̃, quem coram vobis in loco ſuo atturnare voluerit in hac parte, ad lucrandum vel perdendum, Et ideo vobis mandamus q̄ ad pref. I. perſ. accedent̃. atturnat̃, quem loco ſuo atturnare voluerit in hac parte, recipiatis, & de nomine ejuſd' atturnati, nobis in canc' nr̃a, ſub ſigill' veſtro, diſtincte & aperte conſtare fac' remittentes nobis hoc br̃e. Teſte meipſo, &c.

The returne of the ſame.

I. ponit loco ſuo A.B. atturnat̃ ſuum verſus R. in p̃ in quid jur̃ clam̃, ad lucrandum vel perdendum.

An atturnement by Dedimus poteſtatem.

And as the tenant may make an atturny by Dedimus poteſtatem, **ſo he may atturne, The forme whereof followeth:**

Rex

Rex dilecto & fideli ſuo I. & M. ſalutem, Cum breve noſtr̃ de convenc' pendeat coram vobis & ſociis veſtris juſticiariis noſtris de banco, inter R. & P. de cen̄ ac̄ &c. quas I. tenet ad vitam ſuam de pref. P. ad finem inde inter pref. R. & P. ſecundum legem & conſuet̄ regni nr̃i Angl̄ levand̄, per q̄ vic' nr̃o Norff. p̄ breve noſtrum mandavimus, qd venire faciat coram prefatis juſticiariis ñris p̄d̄ I. ad diem in brevi illo content̄, ad cognoſcendum quid juris clamat habere in terra p̄d̄, ac præf. I. adeò impotens ſui exiſtat, q̄ uſq; bancum p̄d̄ ad diem ſibi datum, abſq; maximo corporis ſui periculo laborare non ſufficit, ad cognoſcend̄ quid juris clamat habere in terra p̄d̄: Nos ſtatui ipſius I. conpatientes in hac parte, dedimus vobis poteſtatem recipiendi cognitionem, & teſtificandi atturnamentum, quæ præf. I. coram vobis facere voluerit in hac parte: Et ideo vobis mandamus, q̄ ad præfat. I. perſonaliter accedentes, cognitionem q̄ coram vobis in hac parte facere voluerit, recipiatis: Et cum eum receperitis, & ipſe coram vobis prout moris eſt, ſe atturnaverit, p̄d̄ ſocios veſtros de cognitione p̄d̄ diſtinctè & aperte certificetis, p̄d̄ atturnamentum teſtificantes, ut finis ille int̄ ptes qd̄, de t̄r̃ p̄d̄, coram vobis & ſociis veſtris p̄d̄, in banco præd̄ levari poſſit, ſecund̄ legem & conſuetud̄ ſupradict'. Et habeatis, &c.

After iſſue ioyned, the tenant may be eſſoined thus:

Ebor. ff. A.B. verſ. C.D. in pl̄to quid juris clamat in uno meſſuagio, &c. unde jur̄ per W.C. in quindena Hill̄, &c.

If the iſſue be found with the plaintife, the iudgement is in this Iudgment.
forme:

Et ſuper hoc, viſis premiſſis, & per juſtic' plenius intellectis, conſider̄ eſt, qd p̄d̄ C.D. p̄ ſeiſina, de ten̄ præd̄ cum pert̄, verſus præf. A.B. occaſione clam̄ & pl̄ p̄d̄ forisfact' habend̄ (ſi voluerit) proſequatur, ac etiam, qd finis p̄d̄. ſi voluerit, ingroſſetur, & præd̄ A.B. in miſericordia &c.

But atturnements entred vpon record, before the partie mentioned to atturne, doe firſt appeare in court in perſon, or by atturney, warranted by the hand of one of the Juſtices of the one Bench or of the other, or one Juſtice of aſſiſe vpon a writ of Quid juris clamat, quem redit redd̄, or per quæ ſervitia, **as the caſe requireth, is void without writ of Error,** 23 El. c. 3.

Upon which iudgement the cogniſée may haue execution by habere facias ſeiſinam **in this forme:**

Rex, vic' Ebor̄ ſalutem; Sciatis q̄, cum C. D. in Curia noſtra coram juſtic' nr̃is apud W. per conſiderationem ejuſd̄ Curiæ, recuperavit ſeiſinam ſuam verſus A.B. de uno meſſuagio cum pertinen̄ in L. q̄ M.N. in eadem Curia conceſſit præf. C. D. per finem inde inter eos factum, ideo tibi precipimus, quod eidem C.D. plenariam ſeiſinā de meſſuagio

p̄d cum pertinen' fine dilation' habere facias, & quid inde feceritis, ſcire facias prefatis Iuſticiariis noſtr̄ apud W. in Octabis S. Martini, & habeas ibi hoc breve T. &c.

Diſtringas ad atturnandum.

And vpon the iudgment to atturne, doth iſſue a Diſtringas ad atturnandum, **after this manner:**

Iacobus dei gratia, &c. vic' ſalutem. P̄ tibi quod diſtringas A.B. per omnes terras, &c. Ita qd ſit coram Iuſtic' noſtris de banco ad atturnād C.D. in p̄ de quid juris clamat in uno meſſ. cum pertinen. in L. qd M. N. in curia noſtra, &c. conceſſ. prefato C.D. per finem inde inter eos factum. Et unde conſideratum eſt in eadem Curia, ꝙ p̄d A.B. ſe pref. C. D. inde atturn̄. Et habeas ibi hoc breve. Teſte, &c.

Quem reddit reddit.

Sect. 166. **HAuing thus peruſed the writ of** Quid juris clamat **in euery circumſtance, we are now in like manner to peruſe the writ of** Quē red reddit.

Definition. **The writ of** Quem red reddidit **is a Writ iudiciall, and iſſueth out of the note of the fine againſt the tenant of the land, to compell him to atturne to the cogniſée, vpon the grant of a rent charge, or rent ſecke iſſuing out of the land,** N.B. f. 170. b. **The forme whereof iſſueth:**

Writ. Iacobus Dei gratia, &c. vic. E. ſalutem. P̄ &c. tibi, qd venire fac' hic a die S. Mich. in quindecem dies E.F. ad cognoſcend̄ quem reddit̄ reddere conſuevit, exeun. de uno meſſuag. cum pertin. in E. quem A.B. in Curia nr̄a corā Iuſticiariis noſtris de banco conceſſit C.D. per finem inde inter eos fact'. Et habeas ibi hoc breve, Teſte &c.

If vpon this writ the defendant appeare not, a Diſtringas **goes forth in this forme:**

Rex vic. Eborū ſaluṫ. P̄ tibi ꝙ diſtringas E. F. per omnes t̄ras, &c. Et ꝙ de exit̄ eorundem reſpond̄, & habeas corpus ejus hic &c. in octab. S. Mich. ꝓxim̄ futuro: Ad cognoſcend̄ quem reddit̄ &c. exeun. de uno meſſ. cum pertin. in L. ꝙ A.B. in Cur' nr̄a &c. conceſſit C.D. per finem inde inter eos fact', & ad audiend̄ judicium ſuum inde de plurib⁹ defaltis. Et habeas &c.

At which day if the tenant appeare, the entry may be in this forme:

E.F in mīa pro pluribus defaltis &c.

Pr' fuit vic' E. qd diſtringeret p̄d E.F. &c. *ut in aliis brevibus de diſtr. ſupra.* Et modo hic ad hunc diem venit tam p̄d C.D. per W.W. Atturnat̄ ſuum, q̄ p̄d E.F. in propria perſona ſua. Et p̄d C.D. pet̄, ꝙ prād. A.B. ſe ei de redditu p̄d atturnet &c. Et p̄d E.F. petit audit' brevis p̄d, & ei legitur. Petit etiā audit̄ notæ finis unde idem breve emanavit, & ei legit̄ in hæc verba. Inter C.D. quer' &c. **reciting the note in latin, &c.**

In

In which case if the tenant atturne, the entry shall be as in a Quid juris clamat, and so shall the judgement and execution be also *Mutatis mutandis*, but the attornment must be in Court, 9.H.6.21. 8.H.6.15. Attournment entred.

If this writ be against diuers defendants, and some appeare, and some make default, these which appeare shall not atturne without the rest, vntill they appeare, and after make default, 8.H.6.15. Divers tenants

If the tenant once appeare, and after make default, a Distring. ad atturnand. shall be awarded, 9.H.6.21. 8.H.6.15. Default.

Cognisée of a rent charge, or rents for yeares, shall not haue atturnment, Quære Dyer fo. 140.pl.37.& 38.

The tenant cannot plead by atturnie, but ex consensu querentis, 1.H.7.27. Atturney.

In Quem redd reddit, the tenant appearing is to demand what the plaintife hath to shew for the rent, and then he must shew the commencement thereof, and his title thereunto, which the plaintife may answer, 31.H.6.8. 35.H.6.

In Quem redd reddit, if the tenant will disclaim, he may plead, that he was not tenant of the land the day of the note leuied: for this writ lieth against none but him which is then tenant, 8.H.6.15. Disclaimer.

I write thus briefly of this Writ because it so much resembleth a *Quid juris clamat*.

Per quæ servitia.

PEr quæ servitia is a judiciall writ issuing from the note of a fine, and lyeth for the cognisée of a Manor, seignior, chiefe rent, or other seruices, to compell him that is tenant of the land at the time of the note of the fine leuied, to attorne vnto him, 43.E.3. 8.H.6.17. Pl.46.b. which is made thus; Sect.167.

Rex, &c. vic. K. salutem. Precipimus tibi, q̄ venire facias coram Just. nostris apud W. in crastiñ &c. S.F.R.L. &c. ad L. &c. ad cognoscend̄ p quæ servitia tenent tenementa sua cum pertiñ in B. quæ servitia E. L. in Curia nostra coram Just. nr̄is apud W. concessit W. B. per finem ibi inde inter eos factum. Et habeas ibi hoc breve. Teste, &c. The Writ.

If the Lord grant the seruices of his tenant by fine, or otherwise, the Lord before atturnment shall haue such things as lie in prender; as the ward of the body of the heire and of the land, escheats, &c. But not such things as lie in render: as rents and reliefe, heriots, and other seruices, for he cannot auow for them before the atturnment.

If a man grant the seruices of his tenant for life, this writ lyeth, Br. Per q̄ servitia 13. Sur grant for life.

If

If ſeruices be granted to I.S. for life, the reuerſion to N.N. & I.S. die before attornment, he in reuerſion ſhal haue Per q̄ ſervit. 20,H,6,7.

If Per quæ ſervitia be brought againſt diuers, of which ſome only appeare, they are compellable to attorne, 21.E,3,48,T, 32,E,3.

Vpon whoſe alienations the tenant is not compellable to atturne.

Sect.168. T.in taile. If tenant in taile of ſeruices leuy a fine thereof, the Tenant of the land is not compellable to atturne, 48.E.3.23. Becauſe that if the conuſor die the tenant is ſubject to the diſtreſſe both of the conuſee and of the iſſue in taile, 24.E.3.25. 43.E.3. neuertheleſſe vpon a fine with proclamation in ſuch caſe, which barreth the iſſue in taile, the tenant ſéemeth compellable to atturne.

Conuſor neuer ſeiſed. If a fine be leuied by him which was neuer ſeiſed of the ſeruices, the tenant is not compellable to atturne, H.6. E.2.

To a particular tenant. If the Tenant for life, or any other particular Tenant of ſeruices, which haue them not in fée, leuy a fine thereof, the terre tenant is not compellable to atturne, Itiñ North. 3.E.3.

Ioint tenant. If one joynt tenant of a ſeignior grant, &c. the tenant is not compellable to atturne, 9.E.2.

Againſt whom a Per quæ ſervitia *lyeth, and whom not.*

Sect.169. Terre tenant. It lyeth againſt him only that is tenant of the land at the time of the note of the fine leuied, 8.H.6.17. 18.E.4.10. And therefore muſt not vary from the fine, 18.E.4.10. 25.E.3.3. 35.E.3.50.

And therefore it ſéemeth, that if he which is tenant at the leuying of the note die or alien before atturnment had, that neither his heire nor the alienée is compellable to atturn, H.26. E.3.56. 18.E.4. 25.E.3.50. 10. yet this atturnment is good, Ibid M.31.E.3.

A Recluſe. A Profeſſe recluſe is compellable to atturn, 43.E.3. and an Infant 26.E.3.62. And a man only dumbe by writing or ſignes, 26.E.3.62.

Mute, Deafe, Madneſſe. But a man ſurde & mute is not compellable to atturne, 26.E.3.62. Nor a man non ſanæ memoriæ, as a mad man, a lunatike, an Ideot, 26.E.3.62.

T. by curteſie Late feoffement. Nor a tenant by curteſie for the feebleneſſe of his eſtate, 9.E.3.31. He that is infeoffed by the lord poſt ſtat. Quia emptores, &c. is not compellable to atturne, for he holdeth of the L. paramount, 39.E.3.19.

Quantity. The writ of Per quæ ſervitia ought to ſhew the quantity of the tenancy, H.14.E.3. for it is trauerſable, T.20.E.3. H.26.H.6.

All perſons that may be conuſées may haue this writ.

County. Per quæ ſervitia ought to be in the County where the fine is knowledged, albeit the manor be in one County, and the ſeruices in another County,

County, 21.E3.18.

Non ſuit in this action is not peremptory, 24.E.3.25. nor the death of the conuſor after the note leuied. Non ſuit.

Per quæ ſervitia lieth a yeare or more after the note leuied, 29.E.4.46 Time.

After peremptory iſſue ioyned, the tenant in Per quæ ſervitia, may make atturny; for if the iſſue be tried againſt him, it doth countermaile atturnment, and then he may be diſtrained before atturnment, 48.E. 3.24. 39.E.3.26. Atturney.

Nontenure the day of the note leuied, is a good bar in Per quæ ſervitia, 8.H.6.17.21.H.4.72. Nontenure.

It is alſo a good plea, that before the note leuied the conuſors granted the ſeruices to another, and that he thereupon did atturn, 9.E.3.31 Former grant.

The tenant in Per q̄ ſervitia cannot diſclaime, but may plead Non tenure, ut ſupra. 21.H.4.72. Diſclaime.

After iudgement proceſſe is Diſtringas ad atturnandum, 4.E.3.2.E. 3.9.5.E.4.2. Proceſſe poſt judicium.

If the meſne leuy a fine of his meſnalty to A. for life, the Remainder to B. in fee, A. bringeth a Per q̄ ſervitia, and the tenant atturneth, ſauing his aquitaile, yet ſhall not be in the remainder auow, before he alſo acknowledge the acquitaile, 18.E.4.7. Attournment with an exception.

But a feme couert cannot confeſſe acquitaile in Per q̄ ſervitia, becauſe ſhe is not examinable in this ſuit, 9.E.2.45. E.3. Feme covert.

And the tenant may atturne ſauing Acquitaile and warranty according to a deed thereof. M.15.E.3.5. 5.H.5.E.3. Itinere North. Acquitaile.

A man may grant ſeruices before he haue ſeiſin thereof in fait, H.6. E.2. Fitz.per quæ ſervitia 22. Seiſin.

It ſeemeth vpon the grant of a manor cum pt̄, the ſeruices paſſe without attornment, as parcell of the Manor, and that the L. may auow without attornment, 26.H.6.Fitz.per q̄ ſervitia 21. A Manor.

If the tenant in Per q̄ ſervitia appeare, and confeſſe the action at the Diſtringas ad atturnand after iudgement, and will not atturn, he is puniſhable by impriſonment or fine, at the diſcretion of the court, as it ſeemeth, 3.E.3. Itiñ North. Fitz. Per q̄ ſervitia 17. Fine. Impriſonment

Coparceners, ioynt tenants, and tenants in common, may not ſeuerally by eſſoine, to eſſoine ſeuerally, but haue only one eſſoine, as one ſole tenant might haue. W.1.c.42. 3.E.1.Raſt.eſſoine 4. Eſſoine.

Of the ingroſſing of fines.

When the note of the fine is made with the Cuſtos brevium, if it be of lands in poſſeſſion, or when atturnment is made, if it be of a reuerſion, remainder, rents, or ſeruices, then may it be ingroſſed by the Chirographer. Sect. 170,

And

Ingrossing. **And the ingrossing of a fine is nothing else but the entring of the concord thereof with the Chirographer, and the writing and deliuery of the indentures thereof. F.N.147.a. 5.H.4.c.14. which be called the Chirograph of the fine, and is made in forme following, viz.**

Fine en taile de reversion de rent. Hæc est finalis concordia, facta in curia dñi Reg. apud Westm̃, à die Pasch. in 15. dies an. regni Jac. &c. 3. coram Edm. Anderson, T. Walmsley, R.O. & R.B. Justic' dom̃ Reg. & aliis fidelibus tunc ibi p̃sentibus, int̃ A.B. quer̃ & L.C. deforc', de decem mercat̃ redd̃ cum p̃t in B. quem P. de A. tenet & terminum vitæ, unde placitum conventionis sum̃ fuit inter eos in ead̃ cur̃, scz. qd pred̃ L. concessit pro se & hered̃ suis, qd p̃d̃ red cum pertiñ quem predict' P. tenuit ad terminum vitæ ex dimissione pred̃ L. in pred. vic̃ die quo hæc concordia facta fuit, & qui post de-

Rem. ad heires de corps. cessum ipsius P. ad pred̃ L. & heredes suos debuit reverti, post decessum ipsius P. integre remaneant pred. A. & hered. de corpore suo procreat̃,

Rem. as droit heires. tenend̃ de capitat̃ dominis feodi illius p̃ servitia quæ ad p̃d̃ redd̃ ptiñ imperpetuum, Et si contingat, quod idem A. obierit sine her̃ de corpor̃ suo procreat̃, tunc post decessum ipsius A. p̃dict' red̃ cum pert̃ integre remanebit rectis heredibus ipsius A. teñ de capitalibus dominis feodi illius per servitia quæ ad pred̃ red̃ ptiñ imperpetuum: Et pro hac concessione, fine, & concordia, idem A. dedit p̃f. L. cent̃ marcas argenti. **And so of others according to the diuersitie of their cases.**

Of the tabling of fines ingrossed.

Sect. 172. Tables. **The Chirographer of fines of the commõ plées, for euer must write and make one table for euery County, where his Majesties writ runneth, containing the contents of euery fine that shall passe in any one Terme; as the name of the county, townes, and places, wherin the tenements mentioned in any fine be, the name of the plaintife and deforeant, & of euery manor named in any fine. And the first day of the next term after the ingrossing of euery such fine, shall fix euery of the said tables in some open place of the Court of Common Plées, and so**

Contents. **euery day of the said terme during the sitting of the said court: and the said Chirographer shall deliuer to euery sheriffe of euery County, his vnder-sheriffe, or deputy, faire written in parchment, a perfect Content of the table so to be made for that shire in the Term that shall be next before the assises to be holden in the same county, or else mean betwen the term and the said assises, to be set vp the first day and euery day of the next assises in some open place of the court, where the Justices of Assises then shall sit, to continue there so long as they shall sit in the said court: if either the Chirographer or sheriffe faile herein, be forfeiteth v.l. & the Chirographers fee for euery such table is 4. d. 23. El c. 3.**

How

How many Proclamations are to be made upon Fines, and when.

Foure Proclamations only are now to be made vpon euery fine with Proclamation, that is to say, one in the Terme in which the fine is ingrossed, and in euery one of the three termes next ensuing the ingrossing thereof, one Proclamation, 13. El. c. 2. Sect. 172.

But if any of the same Proclamations faile, by reason of the adiournement of any of the said Termes by writ of adiournement duly made, yet is such fine good, and a good fine with Proclamations, as if the same had been proclaimed, 1. M. c. 7. Adiournment.

But if any Proclamation be made vpon a Sunday, it is Error, because it is not dies Juridicus, Dyer fo. 128. pl. 53. 55. 2. Eliz. Sundayes.

Of the Proclamations of Fines at the Assises and generall Sessions, how they must be certified.

TO the end better notice of fines may come to them, to whom it appertaineth, it is ordained by the said St. of 4. H. 7. c. 24. That the Iust. of the Common place shall send a transcript of such fines to the Iust. of Assise in the Counties where the land doth lie, to be proclaimed openly and solemnly at all the Assises, which shall be therein holden, within one yeare after the ingrossing of such fines: and that the like transcript be made to the Iust. of Peace, there to be proclaimed at foure seuerall Sessions in the said Counties, and both the same Proclamations to be made and certified into the common place the second day of the returne of the Term then next following: and it is to be noted, that whilst the said fines are read, all pleas must cease, 4. H. 7. c. 24. Sect. 173. Sessions. Assises.

The forme of euery such Proclamation is thus: After the Cryer hath made an Oyes for silence, saying: Oyes les fines lies, or to that effect, the Chirographer or his deputy, readeth the fines thus: Ebor. A fine with proclamations between A. B. plaintife, and C. D. deforciant, of tenements in D. &c. Proclamation.

If the Cognisées in fines die, before the ingrossing thereof, no Proclamation shall be made, because they had their election to haue the fine with Proclamations or without, which election is now by their death determined, Dyer fo. 254. pl. 104. 8. El. Plow. fo. 266. b. Cognisee dead

Of the inrolment of all the part of Fines after the ingrossing thereof and Proclamations passed.

BY the Statute of 23. El. c. 3. it is ordained, that there shall be for euer an office of Inrolment, called the office of Inrolmẽts of fines and recoueries: and the Iust. of the Common pleas, for the time being other then the chiefe Iust. shall haue and take the care & charge of and for the Inrolments aforesaid, see the examinations thereof, and write Sect. 174. Office of Inrolment of Fines, &c.

their

their names vnto the rolls thereof, & haue & enjoy the said office & the disposition thereof, and carefully see & look to the execution therof. And haue for the inrolment and examination of euery such fine vi.s. viii.d.

Exemplification. And for euery exemplification of euery such inrolment of any fine v.s. for one yeare search iiii.d. for euery sheet of paper containing xiiii. lines iiii.d.

Punishment. And the Iustices of the Common place haue power to take order in all things conuenient for the said inrolments, & vpon examination in the said Court, to assesse fines and amerciaments vpon persons offending, for their misprision, contempts, or negligences for not doing or misdoing of any thing, of, in, or concerning any such fines, as they shall thinke meet and conuenient, 23. El. c. 3.

Inrolment of fines. And euery Writ of Covenant, and other Writ, whereupon any fine is leuied, the returne thereof, the Dedimus potestatem made for the knowledging thereof, the returne thereof, the concord, the note, and fot of euery such fine, the Proclamations made thereupon, & the kings fiuer vpon the request, or election of any person, may be inrolled in the said office: and the inrolments of the same, or of any part therof, shall be of as good force and validity in the Law, to all intents for so much of any of them so inrolled, as the same being extant and remaining were or ought by Law to be, 33. El. c. 3.

Of the exemplification of the parts of Fines inrolled.

Sect. 175. WHen any of the parts of a fine be inrolled according to the said Statute, then may the same be exemplified, either vnder the Seale of the office, or vnder the great Seale of England: but to exemplifie such a fine vnder the great Seale hath this discommodity, that if any errors remaine in the record of the same fine, they be not amendable after the exemplificatiõ therof, 23. El. c. 3. but it seemeth this extendeth only to fines leuied before the same Statute of 23. El. c. 3.

These inrollments and exemplifications seeme very necessary, because that the priuity and warrant of the said Court, many errors happning in the former Records thereof, may be amended, and these inrolments will suffice, if the former Record thereof or any part thereof, be imbellelled or otherwise defaced, 23. El. c. 3.

The exemplification of a fine inrolled according to the Statute of 23. El. c. 3.

Eliz. Dei gratia, &c. Omnibus ad quos p̃sentes literæ p̃uenẽ, salutẽ: Sciatis, qd int̃ Irrotulam̃ta breviũ & alior̃ dependt̃ p̃ finibus secundũ form̃ statuti, de t̃mino Paschæ, apud W. añ reg. nost̃ 29. rotulo 7. continet̃ sic, ss. Essex ss. El. dei gratia Angl', Franc', & Hiberñ, reg. fidei defens. &c. vic.

vic. Eſſex ſalutem. Præcipe E.W. armig', & I. uxori ejus, quod juſte & ſine dilatione teneant I.W. & I. S. conventionem inter eos factam, de duobus meſſuagiis, duobus gardinis, duobus pomar̃, 20. acr̃ terræ, 20. acr̃ prat̃, xl. acris paſtur̃, & C. acris jampnorum & bruer̃, cum ptiñ in B. & W. Et niſi fecerint, & pred̃ I. & I. fecerint te ſecurum de clam̃ ſuo proſ. tunc ſumm̃ p bonos ſumm̃ p̃dictos E. & I. quod ſint coram Juſticiariis noſtris apud Weſtm̃ in Octabis ſancti Michaelis, oſtenſuri, quare non fecerint, Et habeas ibi ſumm̃, & hoc breve. T. meipſa apud Weſtm̃ 17. die Septembris, Anñ regni Reg. nunc 40. *. Pleg' de proſ. Johañ Doo, Richardus Roo, * Summ̃ Johannes Den, Richardus Fen. * Georgius T. af vic' ſſ. * I.W. dat domiñ Reg. ſex ſolidos & octo denarios p̃ liceñ concord̃ cum E. W. armig', & I. uxore ejus de placito conventionis de duobus meſſuagiis, duobus gardinis, duobus pomariis, 20. acris terræ, 20. acris prat̃, 10. acris paſtur̃, & centum acr̃ jampnorum & bruer̃ cum pertiñ in B. & W. Et habet Cirr̃ per pacem admiſſ. * Coram R. H. uno Juſtic' domiñ Reg. de banco Juſtic' in patria ſſ. * Elizabeth. dei gratia Angliæ, Franciæ, & Hiberñ Reg. fidei defenſor, &c. dilecto & fideli ſuo R. H. uni Juſtic' ſuorum de Banco, Salutem. Cum breve noſtrum de conveñ pendeat coram vobis & ſociis veſtris Juſtic' noſtris de banco, inter I.W. & I.S. E.W. arm̃, & I. uxorem ejus, de duobus meſſuagiis, duobus gardinis, duobus pomariis, 20. acr̃ terræ, 20. acris prat̃, in B. & W. in comitat̃ Eſſex, ad finem inde inter eos coram vobis & ſociis veſtris predictis in banco prædict' ſecundum legem & conſuetudinem Regni nr̃i Angl', levand̃, Ac iidem E. & I. adeo impotentes ſui exiſtunt, quod abſque maximo corporum ſuorum periculo uſque Weſtm̃ ad diem in brevi predicto content̃, ad cognitiones, quæ in hac parte requirunt̃ faciend̃ laborare non ſufficiunt, ut accepim°: Nos ſtatui eorundem E. & I. compatientes in hac parte, dedimus vobis poteſtatem recipiend̃ recognitiones quas pred̃ E. & I. coram vobis facere voluerint de premiſſis, Et ideo vobis mandamus quod ad pref. E. & I. perſonaliter accedentes, cognitiones ſuas prædictas recipiatis: Et cum eas receperitis, prefatos ſocios veſtr̃ inde ſub ſigill' veſtris diſtinctè & apertè reddatis certiores, ut tunc finis ille inter partes prædictas de premiſſis, coram vobis & ſociis veſtris predict' in banco prædicto levari poſſit, ſecundum legem & conſuetudinem ſupradictas. Et habeatis ibi tunc hoc breve. T. meipſa apud Weſtmoñ xviii. die Septembris Anno Regni noſtri 40. * Reſponſ. infranominatur R. H. ad hoc breve. Execuc' iſtius brevis patet in quadam ſcedula huic brevi annex'. * Et eſt concordia talis, ſcilicet, quod E. & I. nominat̃ in brevi huic ſcedul' annex', recogñ teñ in dicto brevi ſpecific' cum pertinentiis eſſe jus I. W. in eodem brevi nominat̃, ut ill' quæ iidem I. & I. S. in dicto brevi nominat̃ habeant de dono prædict' E. & I.

Et

Et ill' remiſer' & quiet' clam' de ſe & hered' ſuis pref. I. & I. & her' ipſius I. W. imperpet'. Et preterea iidem E. & I. conc' p ſe & hered' ipſius I. qd ipſi warrant' tenementa predict' cum pertinentiis prefat' I. & I. & hered' ipſius I. W. contra omnes homines imperpetuum. Et pro hac, &c. iidem I. W. & I. S. conceſſ. tenementa predicta cum pertinentiis pref. E. & I. * Et ill' eis reddid' in eadem curia. Habend' & tenend' eiſdem E. & I. hered' de corpore ipſius E. per predictam I. legitime procreat', & p defectu talis exitus, tenementa predicta cum pertin', integre remañ pref. I. & hered' de corpore ipſius I. legitime procreat', & pro defectu talis exitus, tenementa predicta cum pertin', integre remañ rectis hered' ipſius E. imperpetuum. Tenend' &c. R. H. ſſ. * Hæc eſt finalis concordia facta in curia Dominæ Reginæ apud Weſtm' in Octabis ſancti Michaelis Anno regni Elizab. Dei gratia, Angliæ, Franciæ, & Hiberñ Reginæ, fidei defenſ. &c. à conqueſtu decimo, coram I. D. R. W. I. W. & R. H. Juſtic' & aliis dom' Reg. fidelibus tunc ibi preſentib', int' I. W. & I. S. quer' & E. W. arm', & Iuxor' ejus defor' de 2 meſ. 2. gard', 2. pom', 20. acr' prat' 40. acr' paſtur', & C. acris jampnor' & bruere, cum pertinentiis in B. & W. unde placitum convenc' ſumm' fuit inter eos in eadem cur', ſc. quod pred' E. & I. recogn' pred' tenementa cum pertin', eſſe jus ipſius I. W. ut ill' quæ iidem I. & I. S. habeant de dono pred' E. & I. Et ill' remiſ. & quiet' clam' de ipſis E. & I. & hered' ſuis, pred' I. & I. & hered' ipſius I. W. imperpetuum. Et præterea iidem E. & I. conceſſer' p ſe & hered' ipſius I. quod ipſi warr' pred' I. & I. & hered' ipſius I. W. predict' tenementa cum pertin' contra omnes homines imperpetuum. Et p hac recogn', remiſſione, quiet' clam', warrant', fine & concordia, iidem I. & I. conceſſer' predictis E. & I. predict' ten' cum pertinent'. Et ill' eis reddider' in eadem cur', Habend' & tenend', eiſdem E. & I. & hered' de corpore ipſius E. per predictam I. legitim' procreat', de capitalibus dominis feod' ill' per ſervic', quæ ad pred' tenem' pertinent, imperpetuum. Et ſi contingat quod iidem E. & I. obier' ſine hered' de corpore ipſius E. per pred' I. legitim' p creat', tunc poſt deceſſum ipſor' E. & I. predict' tenementa cum pertin' integre remañ hered' de corpore ipſius I. legitime procreat', Tenend' de capitalibus dominis feod' ill' per ſervic', quæ ad pred' tenementa pertinent, imperpetuum. Et ſi nullus heres de corpore ipſius I. fuerit legitime procreat', tunc prædicta tenementa cum pertinentiis integre remaneb. rectis hered' ipſius E. Tenend' de capitalibus dñis feod' ill' per ſervit' quæ ad pred' tenementa pertinent, imperpet', ſecund' form' ſtatut'. * Prim' proclam' facta fuit 22. die Novemb' termin' ſanct' Michael' Anno undecimo Reg. infr'. Secunda Proclam' xxiiii. die Novemb. eodem termino. Tertia Proclam' xxvi. die Novemb. eod' termin'. Quarta proclam' 29. die Novem' eod' term'. Quinta p clamat' fact' fuit ſept' die Feb. termin' ſanct'

Hill'

Hil' anno 11. dict' reg. infrascr'. Sexta procl' 9. die Febr' eod' term' Septima procl' die Febr' eod' term'. Octava procl' 12. die Febr. eodē termin. Non' procl' fact' fuit 14. die Maii term' Pasch ann' 12. Reg. infrascr', Decima procl' 17. die M. eod' term'. Vndecim' procl' 23. die M. eod' term'. Duodecim' procl' 23. die M. eod' term'. Tertia decima procl' fact' fuit 22. die Iunii term' Sanct' Trinit' ann' undecim' Reg. infrascr'. Quarta decim' procl' xxv. die Iunii eod' term'. Quintadecim' procl' 27. die Iunii eod' term'. Quæ omnia & singula ad requisitionem W. W. generos'. tenore p'sent' duximus exemplificand'. In cujus rei testimon' sigil' n'r'm ad bria in bāco sigilland' deputat' præsentib' apponi fecim' T. F. W. W. & F. R. Iustic' de Banco p'd' apud West. die &c. ann' reg. nunc 20. &c.

W. P. & R.

How fines executorie be executed.

The execution of a fine is the obtaining of actuall possession of the things contained in the same by vertue thereof, and it is either by entrie into the lands, or by writ. Sect. 176.

By entrie into the lands, as if vpon a fine sur cognizance de droit come ceo q̄ il ad de son done, If the cognisor remaine still in possession, And the cognizee by vertue of such fine enter vpon him, as he lawfully may, without any writ of habere fac' seisin', because such fine is executed. 41 E. 3. 14. 14 E. 3. 5. And if a fine be leued to the husband and wife in speciall taile, the rem' to the heires of the body of the husband, and the wife dieth without issue, the remainder is executed in possession in the husband, for the estate taile meeteth with the freehold, and dr̄owneth it, 7 H. 4. 23.

Execution of fines by writ.

Execution of Fines by Writ is either by Habere facias seisinam or by Scire facias. Sect. 177.

A writ of Habere facias seisinā in this case is a writ judiciall, issuing out of the Record of a fine executory, directed to the Sheriffe of the Countie where the land lieth, commanding him to giue the Cognisee or his heires seisin of the land, whereof the fine is leued. And this writ lieth within the yeare, after the fine or judgement vpon a Scire facias. And may be made in these formes:

Rex vic', &c. Præcipimus tibi, q̄ sine dilatione habere facias B. K. seisinā suam de mesuag' cū pert' in N. q̄ A. T. in cur' n'ra, &c. reddidit p'd' B. per finem inde inter eos fact' secundum, Teste, &c.

Venire facias or Scire facias sur fine sur issue & les.

Duodecim &c. de visu, &c. Et quia nec E. nec R. & A. uxor ejus aliqua &c. ad cognoscend' si tempore levationis cujusdam finis levati in

Partes fuerunt ſeiſi al temps del fine levie &c.

Curia domini E. nuper Regis, &c. apud Weſt. in craſt. &c. anno, &c. corã R. B. & ſociis ſuis nunc Iuſticiariis ipſius nuper Reg. de banco. Et poſtea in craſtiñ animaꝝ &c. anno, &c. ibiꝺ conceſ. & recorꝺ coram eiſdẽ nuper Iuſticiaꝝ & aliis ejuſdem nuper Regis fidelibus, tunc ibi preſentibus inter T.K. & R.F. queꝝ, & I.B. & I. uxoꝝ ejꝰ deforc', de quatuor ſolidis redditus cum pertinentiis in S. unde prediꝯ' G. in Curia noſtra &c. petit executionem verſus præfaꝝ R. & A. virtute finis præꝺ, aꝫ de aliis tenementis & redditibus in eodem fine contentis, prædicꝯ T.K. & R. & prædicꝯ' I.B. & I. qui fuerunt partes fini illi, fuerunt ſeiſiti de prædictis quatuor ſolidis redditus cum pertinentiis, prout per eundem finem ſupponiꝯ, per quod prædicꝯ' E. executionem prædicꝯ' quatuor ſoliꝺ redditus cum pertinentiis verſus præfatos R. & A. virtute finis prædicꝯ habere debeat, ſicut idem E. dic' vel non, imo nec præꝺ T.K. & R. nec prediꝯi I.B. & I. qui fuerunt partes fini prædicto, tempore levationis ejuſdem finis aliquid habueꝝ in prediꝯ' quatuor ſoliꝺ redditus cum pertinentiis nec in meſſuag', unde ſupponiꝯ redditum illum provenire, per quod prediꝯ' E. ab executione prædicꝯ' quatuor ſoliꝺ redditus cum pertinentiis verſus præfatos R. & A. virtute finis prædicꝯ habenꝺ excludi debeat, ſicut iidem R. & A. dicunt, quia tam, &c.

Conceſſ. & recordat.

Fine de rent.

Habere facias ſeiſinã ſur rec' en ſcire facias hors de fine p confeſſion.

Scias, qꝺ eſt conſ. in Curia noſtra, qꝺ W.L. & alii, &c. habeant executionem verſus W.T. de decem acris terræ cum pertinentiis in D. virtute cujuſdam finis inde levati in Curia domini E. nuper Regis, &c. apud W. à die, &c. anno &c. coram R.B. & ſociis ſuis tunc Iuſtic' ejuſdem progenitoꝝ noſtri de Banco, inter I.G. juniorem & W.G. querentes, & E.P. & M. uxoꝝ ejus deforc', de prædicꝯ decem acris terræ cum pertinentiis, ac de aliis terris & tenementis in eodem fine contentis, per cognitionem prediꝯ W.T. actionis prædicꝯ W.L. & aꝫ, & ideo tibi præcipimus, quod eiſdem W.L. & aꝫ, de prædictis decem acris terræ cum pertinentiis ſine dilatione plenariam ſeiſinam habere fac', &c.

Habere facias ſeiſinam ſur recovery p def. en ſcire facias hors de fine.

Scias qꝺ conſideraꝯ eſt in Cuꝝ noſtꝝ &c. qꝺ T.B. conſang' & hæres W. fratris P. filius W. & M. uxoris ejus, hẽat execuc' verſus R.R. &c. de 40. acꝝ boſci cum pertꝝ in B. virtuꝫ cujuſdam finis in Curia Doñ E. nuper regis &c. apud W. &c. inter prefaꝝ W. & M. queꝝ, & W. de B. & R. filꝫ W. &c. deforcianꝯ &c. de teñtis præꝺ levatis per defalꝯ ipſorum &c. Et ideo tibi precipimus, quod eidem T.B. de præꝺ teñtis cum ptinentiis ſine dilatione plenariam ſeiſinam & executioñ habere facias, Teſte, &c.

Habere facias ſeiſinã ſur rec' p def. en ſcire fac. hors de ſiñ

Rex vic' ſalutem Scias, quod conſiꝺ eſt in Curia noſtra coram Iuſticiariis nꝝis apud W. quod T.B. conſanguiñ & hæres W.B. habeat execuc' verſus R.D. de manerio de A. cum pertineñ in coñ tuo, virtute cujuſ-

cujuſdam finis levati in curia dñi E. nuper Reg. Angliæ &c. apud W. à die &c. anno &c. coram R. B. & ſociis ſuis tunc Iuſtic' ipſius nuper Regis de banco. Et poſtea in octab. &c. anno &c. ibm̃ conceſſ. & recordat̃, inter p̃fat̃ W. querentem. & A. deforcianť de manerio præd̃ per defalt̃ ipſius R. Et ideo tibi præcipimus, q̃ eidem T. B. de manerio præd̃ cum pertiñ ſine dilatione plenariam ſeiſinam & executionē habere facias. Teſte, &c. Conceſſ. & recordat.

Scias q̃ conſideraťeſt in Curia nr̃a &c. q̃ R. M. & R. A. conſanguiñ & hæred̃ H. de B. & M. uxoris ejus, habeant executionem verſus I. C. &c. de duabus partibus manerii de Y. cum pertiñ, virtute cujuſd̃ finis levati in Cur̃ domini E. nuper regis &c. apud W. in craſtino, &c. anno &c. coram T. W. et ſociis ſuis tunc Iuſtic' &c. de banco, inter H. B. & M. uxor̃ ejus queř, & B. D. & B. uxor̃ ejus deforciāt, de prædict̃ maner̃ cum pertiñ, ac de advocatione Eccleſiæ ejuſd̃ manerii, put̃ p̃ quendam juratam coram dilectis et fidelibus noſtris I. T. et W. A. duobus Iuſt. nr̃is de Communi banco, per form' ſtatuti nr̃i inde ꝓviſi, die &c. apud R. inde inter eos capt̃, compertum fuit: Et ideo tibi præcipimus, q̃ eiſd̃ R. & R. de duabus partibus p̃d̃ cum pertiñ, ſine dilatione executionem et plenariam ſeiſinam habere facias. Teſte &c. Habere facias ſeiſinā ſur recovery per verdict en Scire facias hors de fine. Niſi prius.

Of execution of Fines by Scire facias.

A Writ of Scire fac' upon a fine, lieth in the ſame caſe that a writ of Habere facias ſeiſinam doth, ſauing that it is to be ſued a yeare and a day after the fine is leuied, whereby the Sheriffe is commanded to warne the terre tenant to appeare, and ſhew cauſe, if hee can, why the Cogniſée or his heires ſhould not haue execution. At the returne whereof, if the tenant appeare, and ſhew no cauſe to the contrary, the plaintife ſhall haue an Habere facias ſeiſinam, *ut ſupra*. And the forme of diuers Scire facias in like caſe enſue. Sect. 178.

Rex vic' ſalutē. Cum quidam finis levaſſet iñ Curia dñi E. filii Reg. H. p̃genitor̃ nr̃i ſcz. apud W. in octab. &c. anno regni ſui triceſimo quarto, coram R. H. & ſociis ſuis tunc Iuſtic' ipſius progenitoris noſt' de banco inter G. P. & I. uxor̃ ejus queř, per W. F. poſit in loco eorum ad lucrand̃ vel perdend̃, et S. H. defore', de maner̃ de C. cum pertiñ, unde placitum conventionis ſummonitum fuiſſet inter eos in ead̃ Curia, ſcz. q̃ prædict̃ G. recogñ maner̃ præd̃ cum pertiñ eſſe jus ipſius S. ut illud qd idem S. habuiſſet, de dono p̃d̃ G. Et pro illa recognitione, fine, & concordia, idem S. conceſſiſſet p̃dict̃ G. & I. predict̃ manerium cum pertinentiis, & illud eis reddidit in eadem Curia: habend̃ & tenend̃ eiſdem G. & I. et hered̃ quos idem G. de corpore ipſius I. p̃creaſſet, de prædicto S. & hæredibus ſuis imperpetuum, reddendo inde p̃ annū Scire facias hors de fine for the heires in taile. Attorney in fine. Render to the husband and wife, & to the heires of the husband of

the body of the wife begotten, rendring rent and forreine ſervice. Rem in tr'le.

unam Roſam ad feſtum, &c. p̄ omni ſervitio, conceſſ. & actione ad predict' S. & hered' ſuos pertin̄, et faciend' inde capitalibus dominis feodi illius, pro prædict' S. et hæredibus ſuis, omnia alia ſervitia, quæ ad manerium illud pertinerent: Ita quod ſi contingeret, quod prædict' G. obierit ſine hærede de corpore ipſius I. p̄creat̄, tunc poſt deceſſum ipſorum G. & I. prædictum manerium cum pertineñ integre remaneret W. fratri ejuſdem G. et hered' de corpore ſuo procreat̄, tenend' de prædict' S. et hered' ſuis per predicta ſervitia, ſicut prædictum eſt, imperpetuum, Et ſi contingeret quod prædictus W. obiret ſine herede de corpore ſuo procreato, tunc poſt deceſſum ipſius W. prædict' manerium cum pertinentiis integre remaner̄ I. fratri ejuſdem W. & hered' de corpore ſuo p̄creat̄, tenend̄ de prædicto S. & hæredibus ſuis per prædicta ſervitia, ſicut prædictum eſt, imperpetuum, Et ſi contingeret prædict' I. obire ſine hærede de corpore ſuo p̄creat̄, tunc poſt deceſſum ipſius I. prædictum manerium cum pertinentiis integre remaneret E. fratri ejuſdem I. & hered' de corpore ſuo p̄creat̄, tenend' de prædict' S. & hered' ſuis per ſervitia prædict' ſicut predict' eſt, imperpetuum: Et ſi contingeret quod prædictus E. obiret ſine hærede de corpore ſuo p̄creato, tunc poſt deceſſum ipſius E. prædict' manerium cum pertinentiis integre revertatur ad prædict' S. et hæredes ſuos, quiet̄ de aliis hered' ipſorum C. & I. W. I. & E. tenend' de capitalibus dominis feodi illius per ſervitia, quæ ad illud manerium pertinerent, imperpetuum: Ac jam ex inſinuatione I. L. & M. uxoris ejus unius, ac T. V. & T. uxor̄ ejus, alterius, necnon H. B. tertii conſanguiñ & hered' prædict' G. & I. de corporibus ſuis p̄creat̄ accepim⁹, qd prædict' G. & I. mortui ſunt, Et qd quidam T. L. & R. I. prædict' manerium cum pertinentiis modo ingreſſi ſunt, & illud tenent contra form̄ finis predict', Et quia volumus ea quæ in Cur̄ p̄genitoris noſtri acta ſunt, debite executioni demandari, tibi præcipimus, qd p̄ p̄bos & legales homines de balliva tua Scire facias præfat̄ T. L. & R. qd ſunt corā Iuſtic' noſtris apud W. in octab. &c. oſtenſ. ſi quid p̄ ſe habeant aut dicere ſciant, quare prædict' maner̄ cum pertiñ, qd ipſi tenent in forma predicta, poſt mortem prædict' G. & I. pref. M. T. et H. conſanguiñ & hered' ipſorum G. et I. de corporibus ſuis p̄creat̄, remanere non debēt, juxta formam finis prædicti, ſi ſibi viderit expedir̄, Et habeas ibi nomina eorum, p̄ quos eis ſcire feceſ, & hoc breve, Teſte, &c.

Scire facias pur le heire de ceſtuy in le r. in.

Rex Vicecom̄ ſalutem: Cum quidam finis levaſſit in Cur̄ domini E. nuper Regis Angl' avi noſtri, tali die, et anno, coram A. et ſociis ſuis tunc Iuſt. ejuſd' avi noſtri de Banco, inter W. querent̄, et R. deforciant̄, de manerio de T. cum pertineñ, unde placitum conventionis ſummonitū fuit inter eos in eadem Curia, ſcilicet, quod prædict' R. recogn̄ predict' manerium cum pertineñ eſſe jus ipſius W. ut illud quod idem W. habuiſſet

habuiſſet de dono prædicti R. & ꝑ illa recognitione, fine, et concord', idē W. conceſſiſſet præd' R. præd' manerium cum pertiñ, habend' et tenend' eidem R. de præd' W. et hered' ſuis maſculis de corpore ſuo procreatis tota vita ipſius R. reddend' inde per annum, &c. Et poſt deceſ. ipſius R. præd' manerium cum̃ pertiñ integre revertat' ad prædict' W. & hæred' ſuos, quiet' de hæred' prædict' R. tenend' de capitalibus dom̃ feodi illius, per ſervitia, quæ ad illud manerij̃ pertinerent, imperpetuum, et ſi contingeret quod prædictus R. obiret ſine hærede maſculo de corpore ſuo ꝑcreat', predict' manerium cum pertiñ integre remaneret T. fratri ipſius W. et hæredibus maſculis de corpore ſuo procreat', teñ de capitalibus dñis feodi illius per ſervic' pred' imperpetuum: Ac jam ex inſinuatione A. filii & heredes pred' T. acceꝑimus, ꝙ pred' R. jam obiit, & ꝙ præd' W. obiit ſine hæred' maſculo de corpore ſuo ꝑcreato, & ꝙ I. unum meſſuagiū &c. cum pertinent', quæ fuerunt parcel' manerii præd' modo ingreſſus eſt, & illa tenet contra form̃ finis præd. Et quia volumus ea, &c. oſtenſ. ſi quid ꝑ ſe habeat aut dicere ſciat, quare præd' tenementū cum ptiñ, pred' A. filio & heredi predicti T. remanere non debeat, juxta formā finis predicti, ſi ſibi viderit expedire &c. Et habeas, &c.

Render pur vie ove revertur à luy in taile & remainder ouſter en taile.

Et modo hic ad hunc diem venit tam predictus I.S. per S. Atturnatū ſuum, quam predict' W. et A. per F. Atturnatum ſuum, & vicecomit' mand' ꝙ ſcire fecerit eiſdem W. & A. eſſendi hic ad hunc diem oſtenſ. ſeparatim in forma prædicta, per R. & S. probos, &c. Et ſuper hoc pred' I. dicit, quod ipſe eſt conſang' & hæres pred' I. et E. videlicet, &c. et petit verſus pred' W. et A. ſeparatim executionem in form̃ predict', &c.

Scire facias vers ſeveral tenants. Retur̃ Scire fecit. Couſinage allege.

Et jam predicti W. & A. quoad predicta tenementa, unde executio verſus eos ſecuta eſt, q predict' R. et I. quoad predicta tenementa, unde executio verſus eos ſeparatim petita eſt, ſingulatim dicunt quod nec pred' I. nec pred' W. et B. quos per finē pred' ſupponit eſſe partes finis illius, nihil habuer' in tenem̃ pred' cum pertiñ, unde executio verſus W. et A. ſeparatim petita eſt, tempore levat' ejuſd' finis, imo quidam I. C. fuit inde ſeiſitus tempore levationis finis illius, cujus quid' I. C. ſtat' in teñtis illis, unde executio verſus eos petita eſt, quam pred' R. et I. ſeparat' habent in tenem̃ pred', unde executio verſus eos ſingulatim petita eſt, ſeparatim petunt judicium, ſi præd' I. executionem inde verſus eos habere debeat, &c. Et pred' I. dicit quod tempore levatiõ finis illius, præd' I. & I. qui fuerunt partes finis illius, fuerunt ſeiſiti de tenem̃ pred' cum ptiñ, unde executio verſus pred' W. & A. ſeparatim in forma & modo pred' ſecuta eſt, ꝓut per fiñ illum ſupponit', & hoc petit, &c. Ideo 12, &c.

A bar that the parties to the fine had nothing in the land at the time of the fine, but I. whoſe eſtate the tenāt hath.

I ſlue that I. was ſeiſed at the time of the fine levied.

Scire facias ſuper fine.

Cum quidam finis levaſſet in Curia domini E. quondam Reg' Angl' avi noſtri, à die Sanctæ Trinitatis in quindecim dies, anno &c. coram I. de B. et ſociis ſuis tunc Iuſticiariis ipſius avi noſtri itinerantibus apud Ebor', inter Alanum querent', et A. defend' de decem libratis terræ cum pertinentiis in A. in manerio de L. in comit' de N. unde placitum conventionis ſummonitum fuiſſet inter eos in eadem curia, ſcil' quod p̄dict' Adam recogn̄ p̄dict' tenementa cum p̄tinentiis, ut in dominicis, redditibus &c. & omnibus aliis rebus ad predicta tenementa p̄tinentibus, eſſe jus ipſius Alani, p̄terea idem A. dedit & conceſſit predicto Alano quinque marcas redditus cum pertinentiis in A. in Comitatu K. et totū manium de B. cum pertinentiis in Comitatu tuo, ut in dominicis &c. habendum & tenendum eidem Alano & uxor' ejus, & hæredibus de corporibus ipſorum Alani et E. p̄cr', de capitalibus dominis feodorum illorum imperpetuum, faciend' inde omnia ſervitia, quæ ad præd' tenement' pertinerent, & p̄dictus A. et hæredes ſui warr' eiſdem Alano & E. et hæredib' ſuis prædictis, omnia prædict' tenementa cum p̄tinen', p prædict' ſervitia contr' omnes gentes imperpetuum, & ſi contiger' quod prædict' A. et E. obirent ſine herede de corporibus ipſorum Alani & E. p̄cr', de capitalibus dominis feodorum illor' imperpetuum faciend' inde omnia ſervicia quæ ad p̄dict' tenementa p̄tinent: & p̄dict' A. et heredes ſui warr' eiſdem Alano & E. & heredibus ſuis p̄dict' omnia p̄d' tenementa cum pertinentiis p p̄dict' ſervitia contra omnes gentes imp̄petuum, & ſi contingeret quod p̄dicti A. & E. obirent ſine hærede de corporibus ipſorum Alani et E. procreat', poſt deceſſum ipſor', Alani & E. p̄dict' tenementa cum p̄tinentiis ad præfatum Adam, & hæredes ſuos integre reverterentur quieta de aliis heredibus ipſorum A. & E. imp̄petuum, Ac jam ex inſinuatione Anthonii de L. & I. conſanguineorum & hæred' prædict' Adæ accepimus, quod prædict' Alanus et E. jam obierunt, & quod Iohannes filius & heres eorundem Alani et E. obiit ſine hered' de corpore ſuo p̄creato, & etiam Wilihelmus filius prædict' Alani et E. ec frater et heres predict' Iobannes jam obiit ſine herede de corpor' ſuo p̄creato, & q̄ quedam Iohanna, quæ fuit uxor Iohannis de W. p̄dict' manerium de B. cum pertinentiis ingreſſa eſt, et illud tenet contr' form̄ finis p̄dict' Et ideo tibi p̄ceperimus, qd' p bonos & legales homines de comitatu ſuo ſcire faceres p̄dict' Iohannæ, q̄ eſſet coram Iuſticiar' noſtris apud Weſtm̄ à die Sancti Machaelis in quindecim dies p̄xim̄ præter', oſtenſura ſi quid p ſe haberet vel dicer' ſciret, quare præd' manerium de B. cum pertinen', prædict' Anthon' & I. conſanguineis & hæred' præd' Adæ reverti non deberent, ſi ſibi videſſet expedire, ac p eo quod idē I. poſtea in eadem cur' nr̄a dixit quod prædict' Anthonius ſequeretur executionem finis p̄dict' de medietat' præd

prædicti manerii de B. cum pertiñ, versus prædictam Iohannam: Ead' Iohanna venit in eadem Curia & dixit, quod ipsa tenet prædictum manerium de B. cum pertiñ per nomen manerii de R. ex dimissioñ N. de C. & quod reversio inde post mortem ejusdem Iohannæ ad prædict' N. spectat, sine quo non potest prædict' Anthonio de prædict' medietate manerꝝ præd' respondere, & petit auxilium de ipso Nicholao. Et ideo tibi præcipim', qd per bonos &c. scire facias prædicto N. quod sit &c. apud Westm̃ a die &c. ad respondend' prefat' A. simul cum prædicta Iohanna de prædicto placito si voluerit, Et habeas ibi nomina, &c. Teste &c.

Cum quidam finis levasset in Curia dñi E. nuper Regis Angliæ avi nostri xv. termino Trin̄, anno &c. coram A. & sociis suis tunc Iusticiar̄ ipsius avi nostr̄ itinerantibus, apud E. inter B. quer̄ & C. deforc', de decem lib̄ reddit̄ cum pertinentiis in B. in manerio de S. in Comitatu E. unde placitū conventionis summ̄ fuisset inter eos in eadem Curia, sc. qd pred' C. recogn̄ tenem̄ta pred̄ cum pertiñ, ut in dominicis, reddit̄ &c. et omnibus aliis rebus ad præd̄ tenta pertiñ esse jus ipsius B. præterea eidem C. dedit & concessit predict' B. quinq; mar' reddit̄ cum ptineñ in A. in Comitatu S. & totum manerium de D. cum pertinentiis in eodem Com̄ ut in dominicis; habend' et tenend' eidem B. & E. uxor̄ ejus, et hæred' de corporibus ipsorum B. & E. exeuntibus, de capitalꝫ dñis feodi illius imperpet̄, faciend' inde omnia servic' quæ ad præd' tenta pertinerent: Et præd' C. et hered' sui warrant̄ eisdem B. & E. & hered' suis prædict', omnia prædict̄ manerꝫ cum suis pertiñ per præd' servitia contra omnes gentes imperpet̄: Et si contingat quod præd' B. et E. obirent sine hered' de corp̄ ipsorum B. et E. procreat̄ tunc post decessum pred' B. et E. pred' tenem̄t̄ cum pertiñ ad præfat̄ C. et hæred' suos integre reverterentur quiet̄ de aliis hered' ipsor̄ B. & E. imperpetuum: Ac jam ex insinuatione R. & K. consang' et hæred' p̄d' C. accepimus, quod præd' B. et E. jam obierunt, & quod I. filius & hæres eorundem B. & E. obiit sine herede de corpore suo ꝓcreato, & etiam W. filius prædict' B. et E. frater et hæres p̄d' I. jam obiit sine herede de corpore suo exeunt̄. Et quod quædam I. quæ fuit uxor I. W. predict̄ manerꝫ de D. cum pertinentiis modo ingressa est, et illud tenet contra formam finis p̄d'. Et ideo tibi præcipimus, quod per probos &c. scire fac' præfat' I. quod esset coram &c. tali die ostensur̄ si quod &c. quare predict' manerium cum pertiñ, prædict R. et K. consanguiñ et hered' p̄dicti C. reverti non deberet, si sibi vidisset expedire, ac pro eo quod idem K. postea in eadem Curia nostra ven̄ & dict' quod p̄dict' R. sequeretur executionem finis p̄dict̄ de medietat̄ manerii p̄dict̄ de D. cum pertiñ versus præd' I. eadem I. tali die ven̄ in ead' cur̄ nostr̄, & dicit ꝙ ipsa

Scire facias super ayde.

ipſa tenet manerĩ prædꝫ de B. cum pertiñ per nom̃ manerii de R. ex dimiſſioñ N.C. et qd reverſio inde per morĩ prædꝫ I. ad prædict' N. ſpectꝫ ſine quo non poteſt prædꝫ R. de prædꝫ medietate manerĩ prædꝫ reſpondere, et petiit auxilium de ipſo N. Et ideo tibi precipimus, qd per ꝓbos ſcire facias prefatꝫ N. quod ſit &c. ad reſpondendꝫ prædꝫ R. ſimul cum prædꝫ I. de predꝫ placitꝫ ſi voluerꝫ. Et habeas &c.

Mittimus del tranſcript del fine, & Scire facias inde.

Dominus Rex mandꝫ Iuſtic' ſuis hoc breve ſuũ clauſum in hæc verba Edwardus &c. (*recitand' totum breve.*) tenor prædꝫ finis unde in breve prædꝫ ſit mentio, (*vel ſic*) Tranſcriptꝫ prædꝫ finis, unde in breve prædꝫ ſit mentio, ſequitur in hæc verba. Hæc eſt finalis concordia, &c. *recitãd' totum &c.* Et modo ſcz. tali die iſto eodꝫ termiñ venit hic in Curꝫ. A. ex parte prædictꝫ T. & dicit qd prædꝫ R. mortuus eſt, & ſimiliꝫ ꝙ prædꝫ W. obiit ſine hæredꝫ maſculo de corp' ſuo ꝓcreatꝫ, et quod I. in unum meſ. &c. cum ꝑtiñ, quæ ſunt parcelꝫ manerĩ prædict', modo ingreſſus eſt, et ilꝫ tenet contra formã finis prædꝫ. Et petit breve Vic' S. dirigendꝫ, ad ꝑmuniendꝫ præf. I. eſſendi hic oſtenſ. ſi quid &c. quarꝫ eadꝫ meſſuag' &c. cũ ꝑtiñ, q̃ dictus T. clamat in formã predꝫ, poſt mortẽ prædꝫ W. ꝑf. T. conſang' & hæredꝫ predꝫ R. remanere non debẽt juxta formã finis prædꝫ, eo ꝙ predꝫ W. mortuus eſt ſine hæredꝫ maſc' de corpore ſuo ꝓcreatꝫ, et ei conceditur returnabilꝫ hic tali die, *vel ſic*, Et ꝑ ſeparalia bꝛia, viz. unum vicee' dicti comñ B. aliud Vic' N. tertium Vic' H. dirigendꝫ, ad ꝑmuniendꝫ eundꝫ I. eſſendi hic, oſtenſurꝫ &c.

Scire facias for the heire of him in the remainder againſt the terꝫ tenant.

Severall Scire fac' into ſeverall counties upon one fine.

Præcepꝫ fuit Vicec', cum quidam finꝫ levaſſet in Curꝫ dñi reg. &c. die &c. anno &c. coꝝ &c. Iuſtic' ipſius ꝓgenitoris dñi regis nunc de bãco, inter W. & I. uxoꝝ ejus querent, et I.E. deforc' de uñ meſſuag' &c. cum ꝑtiñ in L. unde placitum conventionis ſummã fuiſſet inter eos in eadꝫ curia, ſcz. qd prædict' W. recogñ tenta prædict' cum pertiñ eſſe jus ipſius I. ut illa quæ idem I. habuiſſet de dono ꝑdꝫ W. & ꝓ illa recognit fine et concordia idẽ I. conceſſiſſet prædꝫ W. et I. ꝑd' tenẽt cum ꝑtiñ, & illa eis reddidiſſet in eadꝫ Curꝫ, habend' et tenend' eiſd' W. & I. et heredꝫ ipſius W. de corpore ſuo ꝓcreatꝫ, de capitalꝫ dñis feodi illius ꝑ ſervitia quæ ad prædꝫ tenemenꝫ pertinerent imperpetuum, & ſi contingat qd idem W. obiret ſine hærede de corpore ſuo procreatꝫ, tunc poſt deceſſum ipſorũ W. & I. prædict' tenementa cum pertiñ integre remanerent I. filio ejuſdem W. & hæredibus de corpore ſuo procreatis tenend' de capitalibus dominis feodi illius per ſervitia, quæ ad prædict' tenementa pertinerent imperpetuum. Et ſi contingat quod idem obire ſine hærede de corpore ſuo procreato, tunc poſt deceſſum ipſius I. prædict' tenementa cum pertinentiis integre remanerent rectis hæredibus ipſius W. tenend' de capitalibus dñis feodi &c. ut ſupra: Ac jam ex inſinuatione T. conſang' & hæred' predict' I. filꝫ W. acceperat Rex quod idem

Scire facias for him in the remꝫ.

Render to the husband and wife, & to the heires of the body of the husband.

Remꝫ in taile.

Remꝫ to the right heires.

idem W mortuus eſt ſine hærede de corpore ſuo ꝓcreat', & qd præd' I. jam obiit, & qd quidam A. tenta prædicta cum ptiñ, modo ingreſſus eſt & ea tenet contra formꝫ finis præd', Et quia &c. quod p ꝓphos &c. Scire facias præf. A. qd eſſet hic ad hunc diem &c. oſtenſur' ſiquid &c. quare præd' tenta cum ptiñ, quæ ipſe tenet in formꝫ pred', poſt mortem præd' W. & I. uxor' ejus pref. T. ut conſang' & her' p̄d' I. fil' W. remaner' non debent juxta formꝫ finis præd', ſi &c. eo qd præd' W. obiit ſine hærede de corpore ſuo exeunt', &c. Et modo hic ad hunc diem venit tam p̄dict' T. per A. atturnatum ſuum quam p̄d' A. p S. atturnatum ſuum, & vicecomꝫ mandavit qd ꝓceperat I. L. ballivo libertatis &c cui &c. qui idem vic' ſic reſponđ, qd ſcire fecit pref. A. eſſendi hic ad hunc diem. oſtenſur' in formꝫ p̄d' p T. & G. ꝓbos &c. Et ſuper hoc p̄d' T. dicit, quod ipſe eſt conſang' & hæres pred' I. fil' W. viz. fil' I. fil' ipſius I. fil' W. &c. & petit verſus pref. A. executionem &c.

Et ſuper hoc, predict' W. H. dicit qd p̄d' W. frater G. in fine p̄dict' nominat' apud S. in comꝫ N. quandam E. P. ad ipſam in uxor' ducend': eademque E. ipſum W. ad eum in virum habend', inſimul affidarunt: Et poſt banna inter eos p tres dies feſtivos à ſe diſtantes in Eccleſia &c. publice proclam', fuer' deſponſalia inter eos in facie eccleſiæ illius ſolemꝫ celebrat', infra quæ deſponſalia, iidem W. & E. habuer' exit' inter ſe T. apud H. in eod' comꝫ N. genitum & natum. Qui quidem T. apud T. in comꝫ N. in eccleſia ſanct' A. ibid' duxit in uxor' quand' N. iidemq; T. & N. poſt ſponſalia inter eos ibid' celebrat', habuerunt exit' int' eos quend' H. ibid' genitum & natum, ac idem H. apud dictam villam N. in eod' comꝫ in p̄d' eccleſia &c. duxit in uxor' quand' I. iidemque H. & I. poſt ſponſalia inter eos ibid' celebrat', habuerunt exit' inter eos pred' W. H. qui nunc ſequit' genitum & natum, & ſic idem W. H. qui nunc ſequitur dic' quod ipſe eſt conſang' & hæres præd' W. fratris G. de corp' ipſius W. fratris G. ꝓcr', viz. fil' pred' H. fil' dicti T. fil' ejuſd' W. fratris G. & petit verſus pred' R. S. ſen̄ &c. execuc' &c. Couſinage.

Prec' fuit vic' cum quidam finis levaſſet in curia domini E. nup reg. Angl' &c. in oct' &c. anno &c. cor' &c. per breve ipſius nuper Regis inter S. P. & I. uxor' ejus & S. fil' eorund' S. & I. quer' p E. cuſtodem ipſius S. fil' eorundem S. P. & I. ad lucrand', & W. P. perſonam eccleſ. de T. & I. H. capellañ deforc', de duobus meſſuagiis, &c. cum pert' in T. S. & W. unde placit' conventionis ſum' fuit inter eos in eadem Curia, ſc. quod pred' S. P. recogn̄ tenementa pred' cum pertiñ eſſe jus ipſius W. ut illa quæ iidem W. & I. tunc habuerunt ex dono predict' S. P. & ꝓ ead' recognitione, fine, et concordia, iidem VV. & I. conceſ. pred' S. P. & I. et S. filio eorund' S. et I. præd' tenementa cum pert', et illa eis reddiderunt in eadem Curia, Habend' et tenend' eiſd' S. P. & I. & S. filio eorun- Fine levied to one by a gardein.

eorundem S. & I. & hæred' ipſius S. filii eorundem S. & I. de corpore ſuo procr̃, de capital' dñis feodi illis p ſervitia quæ ad p̃d tenement̃ pertinerent imperpetuum, & ſi contingeret quod idem S. filius eorundem S. & I. obiret ſine herede de corpore ſuo procreat̃, tunc poſt deceſſum ipſorum S. & I. & S. filii eorund̃ S. & I. prædict' tenta cum pertiñ integre remanerent hæred̃ maſculis de corporibus ipſorum S. & I. exeuntibus, tenend̃ de capital' dominis feodi illius per ſervitia, quæ ad p̃dict' tenta pertinerent imperpetuum, & ſi nullus hæres maſculus de corpor̃ ipſor̃ S. P. & I. foret procr̃, tunc p̃dict̃ tenementa cum ptiñ integre remaner̃ M. ſorori p̃dict̃ S. filiæ p̃dict' S. & I. & hæred̃ de corpore ſuo procreatis, tenend' de capital' dñis feodi illius per ſervitia quæ ad p̃d tenta pertinerent, imperpetuum, & ſi contingeret quod eadem M. obiret ſine hæred' de corpore ſuo ꝓcreat̃, tunc poſt deceſſum ipſius M. p̃dict' tenta cum pertiñ, integre remanerent I. ſorori ejuſd̃ M. & her̃ de corpore ſuo ꝓcreat̃, tenend̃ de capital' dñis feodi illius per ſervitia q̃ ad p̃dict̃ tenta ptineñ imperpet̃, & ſi contingeret quod eadem I. obiret ſine hæred' de corpore ſuo ꝓcreat̃, tunc poſt deceſſum ipſius I. p̃d tenta cum ptiñ integre rem̃ rectis her̃ p̃dict' S. P. tenend̃ de capital' dominis feodi illius p ſervitia quæ ad p̃dict̃ tenta pertinent imperpet̃, ac jam ex inſinuatione I. A. conſang' & hæred' p̃d M. de corpore ſuo ꝓcr̃, acceperat Rex, qd p̃dict̃ S. P. & I. mortui ſunt ſine hered' maſculo de corporib' ſuis ꝓcr̃, & p̃dict̃ S. filius p̃d' S. & I. mortuus eſt ſine hæred' de corpore ſui ꝓcreat̃, quodque p̃dict̃ M. ſimiliter obiit, et quod quidem R. L. et alii, meſ. &c. p̃dict̃ cum ptineñ modo ingreſſi ſunt, et illa tenent contra form̃ finis p̃dict̃, et quia &c. ſcire fac' p̃fat̃ R. L. et al̃, quod eſſent hinc ad hunc diem, ſc. a die &c. oſtenſur̃, ſi quid &c. quare meſ. p̃d cum ptiñ, quæ ipſi tenent in form̃ p̃dict̃, poſt mortem p̃d' S. P. et I. S. &c. ac pref. M. p̃fat̃ I. A. conſang' et hær̃ ipſius M. de corpore ſuo ꝓcr̃, rem̃ non debeant juxta form̃ finis p̃dict̃, eo quod p̃d S. P. et I. mortui ſunt ſine her̃ maſculo de corpor̃ ſuis ꝓcreat̃, et p̃d' S. fil̃ p̃dict̃ S. et I. mortuus eſt ſine hær̃ de corpore ſuo ꝓcr̃, ſi &c. Et modo hic ad hunc diem ven̄ tam p̃dict̃ I. A. p T. B. attorn̄ ſuum, quam pred' R. L. et al̃ p I. K attorn̄ ſuum, et vic' mand̃ quod ſcire fecit eiſd̃ R. L. et aliis eſſendi hic ad hunc diem, oſtenſ. in form̃ p̃d' p I. C. et alios probos &c. ſuper quo idem I. A. dicit qd ipſe eſt conſang' et hær̃ pred' M. de corpore ſuo ꝓcr̃, videlicet fil̃ I. fil̃ W. fil̃ S. fil̃ pred̃ M. Et pet̃ execution̄ de tenement̃ p̃d' ſibi adjudicare &c. Et pred' R. L. et alii dicunt, quod ipſi non poſſunt dedic' finem pred', nec quin præd' S. P. p finem illum recogn̄ tenta pred' cum ptineñ eſſe jus p̃dict̃ W. P. ut illa quæ idem W. ac pred' I. tunc habuerunt de dono p̃dict' S. P. nec quin ꝓ ead̃ recogn̄, fine, et concordia iidem W. & I. p finem illum conceſſer̃ tenementa illa, tenend' prefat̃ S.

P.

Scire facias for the heire of him in the Rem.

Confeſſion of the fine.

P. et I. S. fil' eorund' S. et I. et illa eis reddiderunt in ead' cur'. Habend' et tenend' eisdem S. P. et I. et S. fil' eor' S. et I. et her' ipsius S. fil' eorund' S. et I. de corpore suo procr'. Ita q̄ si contingeret, q̄ idem S. fil' eorund' S. et I. sine hæred' de corpore suo procreat', tunc post decessum ipsorum S. P. et I. et S. fil' eorund' S. et I. predicta tenementa cum pertinentiis integre remaner' hær' masculo de corporibus ipsor' S. P. et I. exeunt', et si nullus hæres masculus de corpotibus ipsorum S P. et I. foret ꝓcreat', tunc tenta pred' cum pertin' integre remanerent p̄fat' M. sorori pred. S. filio predict' S. P. et I. et hered. de corpore suo procr', nec quin pred. S. P. & I. mortui sunt sine hered. masculo de corporibus suis ꝓcr', nec quin p̄d. S. fil' p̄dict' S. P. & I. mortuus est sine hær' de corpore suo procreat', nec quin p̄dict' M. similit' mortua est, nec quin pred' I. A. est consanguin' & hæres p̄dict' M. in form' qua idem I. A. sup' supp̄on', sed omnia & singula præmissa bene concedunt. Ideo cons. est q̄ p̄dict' I. A. habeat executionem versus p̄dict' R. L. & al' d̄ tenement' prædictis cum ꝑtinent' &c. Judgement daver exec'.

Et modo hic ad hunc diem venit tam predict' E. in propria persona sua, quam p̄dict' T. B. per W. atturnatum suum, Et vic' mand' quod scire fecit &c. Et super hoc p̄dict' E. dicit, quod ipse est consanguin' & hæres p̄dicti E. videlicet fil' R. fil' I. fil' A. fil' W. fratris R. patris ipsius E. & petit versus præfat' T. B. execution' &c. Et p̄dict' T. dicit, q̄ p̄d' E. executionem, &c. virtute finis p̄dict' versus eum habere non debet, quia dicit quod quidam R. pater ipsius R. patris E. quandam I. R. ad eam in uxor' ducend' ac eadem I. ipsum R. ad eum in virum capiend', apud R. in Comitatu N. ad invicem affidarunt, Et postmodum bannis int' ipsos p̄ tres dies festivos à se distantes in Eccles'a Parochiali de R. solemnit' proclam', ceteris'q; concurrent' in ea parte canonice requisitis, sponsalia inter eosdem R. & I. in facie eccles'æ ejusdem fuerunt legitime ac solemniter celebrat', infra quæ sponsalia iidem R. & I. apud R. p̄dict' habuerunt exitum inter eos ibidem genitum et natum p̄dictum patrem p̄dict' E. ac quendam S. medium, & post ipsius S. nativitatem, p̄dict' W. in fine p̄dict' nominat', ipso W. junior, cui predict' E. se facit consanguin', & hæred', & p̄dict' R. pater R. & I. postea obier', & p̄d' R. fil' R. fil' R. habuit exitum ibidem p̄dict' E. & obiit, ipsaque E. postea obiit sine hærede de corpore suo exeunte, dicto W. E. viro suo in dicto fine nominato ipsam supervivente, & ipse W. postea obiit, post cujus mortem prædictam T. & M. in prædictum messuagium &c. in predictis villis de E. & M. intraverunt ut in remanere suo predicto, & inde seisiti fuerunt in dominico suo ut de feodo talliato virtute finis prædict' & obierunt sine hæred' de corporibus suis exeunt', post quorum mortem, quidam I R. ut consanguin' & hæres p̄d' E. viz. fil' S. fratris R. patris Sci. fe. return'. Cosinage alleged. Bar q̄ aut' fuit hr̄ q̄ estat' il ad

patris præd' E. in tenᵗ illa cum perᵗ intravit, & inde fuit ſeiſitᵗ in domiñ ſuo ut de feod' virtute finis præ dict', cujᵒ quid' I.R. ſtatᵗ præd' T.B. modo habet in eiſdem, Et hoc &c. unde peᵗ &c. ſi execuc' &c.

Couſinage maintaine.

Et præd. E. dicit, ꝙ ipſe ab exec' meſ. &c. in pred' villis de E. et M. verſus præf. T. hēd', per aliqua preallegaᵗ, excludi non debet. Quia dic' ꝙ diu ante ꝑd' ſponſalia inᵗ ꝑf. R. patrem R. & I.R. uxoꝛ ejus celebraᵗ, idem R. paᵗ ipſius R. ipſam I. ad eam in uxoꝛ duc' ac eadem I. ipſum R. ad ipſum in virum capiend' apud M. in præd' coñ B. ad invicem affid', ac concurrentibus omnibus & ſingulis de jure in ea parte canonice requiſitᵗ, ſponſalia inter ipſos R. & I. in facie eccleſ. &c. fuerunt ſolemnitᵗ ac legitime celebrata, infra q̄ ſponſalia, pred' R. pater R. & I. uxor ejus apud ꝑd' villam de M. habuerunt exitᵗ inᵗ ſe, viz. patrem pred' E. & ꝑd' W. in fine pred' nominatum filium ſuum medium, cui ꝑd' E. ſe fac' conſang' & hæꝛ, & pred' S. fil' ſuum juniorem, Abſq; hoc ꝙ pred' S. fuit fil' pred' R. patris R. & I. uxoꝛ ejus ſenioꝛ ꝑd' W. ,,put ꝑdict' T.B. ſuperᵗ allegavit. Et hoc &c. unde peᵗ judicium & execuc' &c. Et pred' T.B. dicit ꝙ pred' S. fuit fil' ꝑdict' R. patris R. & I. uxoꝛ ejus ſenioꝛ pref. W. in formñ qua ipſe ſuperius allegavit. Et de hoc &c. Et ꝑdictus E. ſimilit', & quia Juſtic' hic nondum aviſantur, an dictus exitus placiti pred'

Venue.

triari debet ꝑ homines de viſu de M. in dicto comitatu E. vel ꝑ homiñ de viſu de R. in dicto comitatu W. aut per homines uno viſu & alio, dies datus eſt partibus pred' ad audiend' judicium ſuum, hic in Octab' Hilł &c.

Coſinage alege in ſci. fac.

Et ſuper hoc ꝑdictᵗ W.L. dicit quod ipſe eſt conſang' & hæres pred' M. videlicet fil' I. fil' I. fil' I. fil' ipſius M. geniti & nati apud T. in Coñ N. inter I.L. de T. quondam virum prædict' M. & ipſam M. poſt ſponſalia inter eos ibiᵈ celebrata, & petit verſus præfatᵗ W. & A. execuc', &c. Et pred' W. & A. non cogñ aliqua in bꝛi ꝑdict' ꝑ pred' W.L. præallegata contenta, ac proteſtando ꝙ ipſi ad genituꝛ & nativitatᵗ predictᵗ I. fil' M. tam ſuſpecta extra modum & tempus ſuperius allegat neceſſe non habent nec ꝑ legem tꝛ tenentur reſpondere, proteſtandᵈ etiam qd ꝑdictᵗ M. primo cepit in virum quend' I.L. de M. qui quidem I. & M. habuerunt exitum inter eos quendᵈ I. idemque I. poſtea obiit ſine hæredᵈ maſc' de corpore ſuo & corpore ꝑdictᵗ M. procreatᵗ, ,,ꝑ plac' dic' quod ꝑd' W. ut conſang' & hæredᵈ ꝑd' M. execuc' ꝑdictᵗ manerii de W. cum pertineñ, unde &c. virᵗ finis ꝑdictᵗ verſus eos habere non debet, quia dicit, qd diu poſt mortᵗ ꝑdictᵗ I.L. de M. & ante aliqua ſponſalia inter ꝑd' I.L. de T. & M. habitᵗ ſeu celebratᵗ, tam I. de H. pref. M. ad ipſam in uxoꝛ, q. eadᵈ M. ad ipſum I. ad eum in virum habendᵈ, apud C. in Coñ S. inſimul affidarunt, ibidemq; poſt banna inter eos in eccleſ. &c. per tres dies feſtivos a ſe diſtanᵗ ſolemñ ,,pclam, fuerunt deſponſalia inter ipſos I. de H.

&

& M. in facie ejusd Ecclesiæ celebrat, & ipsi ibidem legitim matrimonio copulati, infraque desponsalia tota vita ipsius I. de H. ibidem continuata, & ante aliqua sponsalia inter pref. I. L. de T. & M habit seu celebrat, p dict' I. de H. & M. habuerunt exit inter eos quendam N. apud C. prædict genitum & natum, & finem p dict. in form p dict levavit, & prædict A. quæ fuit uxor W. postea obiit, post cujus mortem p dict I. de H. & M. fuerunt seisiti de p dicto manerio de W. cum pertin in dominico suo ut de feodo talliato, feodo & jure simplici in persona ipsius M. quiescente virtute ipsius finis p dict, & de tali statu inde obierunt seisit, & de ipsis I. de H. & M descend idem manet de W. cum ptineñ eidem N. ut fil & hered ipsorum I. & M. Qui quidem N. in manet illud cum pertinentiis intravit, & inde fuit seisitus in dominico suo ut de feodo talliato feodo & jure simplici inde in persona ipsius N. ut fil & hered ipsius M. quiescent per formam finis predicti, & habuit exit quend H. apud C. predict' genitum, & obiit, & de ipso N. descend predict manerium de W. cum pertinentiis unde &c. eidem H. ut fil & hered ejusdem N. qui quidem H. in manerium illud cum pertin intravit, & inde fuit seisitus in dominico suo ut de feodo talliato, feodo & jure simplici inde in persona ipsius H. quiescente per formam finis prædict', & sic inde seisitus feoffavit quosdam I. & E. &c. de eodem manerio cum ptinentiis, habend eis, & hered suis imppetuum, virtute cujus &c. in feod, quorum quid I. &c. statum predict W. & A. modo habent in eodem manerio, &c. & hoc &c. unde petit judicium si predict W. L. executionem ejusdem manerii de W. cum pertin, virtute finis prædict versus eos habere debeat, &c. Et predict W. L. non cogn aliqua p prefat W. & A. præallegat esse vera, immo minus vera & imaginata, & protestando etiam qd genitur & nativitas predict' I. L. fil M. p ipsum W. L. in dicta declarac' sua de consanguinitate quo modo est consang' & hæres ipsius M. contenta sunt & fuerunt vere & legitime & non suspective allegata, prout p diversa recordat tam in Cancellar coram Cancellario; & in Scaccario coram Baronibus, quam in Thesl. dom Regis inter recorda de placit armorum coram nuper Constabulario Angl tentis residen, necnon & quamplura evidentia, munimenta vera, justa, & sufficien, ac pro talibus in lege approbata & confirmata plene liquet, Pro plac' dic', q ipse ab executione dicti manerii de W. cum pertin virtute finis pred habend per aliqua per p W. & A. inde prealleg, excludi non debet, quia dicit qd pred I. L. de M. & pred I. L. de T. fuerunt una & eadem persona & non diverse persone, & qd idem I. tota vita sua, tam per nomen I. L. de T. quam per nomen I. L. de M. nominatus & cognitus fuit, quodque dict sponsal inter pref. I. L. de T. & M. concurrentibus prius, q in ea parte de jure canonice requirebant, apud pred villam de T. in facie Ecclesiæ parochialis ejusdem

villæ

ville fuer ſolemniter celebrata infra quæ ſponſalia iidem I.L. & M. habuer exitum inter ſe predict' I.L. fil' & hered' pred' M. ibid' genitum & natum, in forma qua pred' I.L. per dictam declarac', conſang' prædict' ſupponitur, quæ quidem ſponſalia inter ipſos I. L. & T. M. ſic celebrat' ibidem continuat' fuer tota vita ejuſdem I. & poſt mortem ejuſdem I. prædict' M. cepit in virum præd' I. de H. abſq; hoc qd præd' deſponſalia inter præfat' I. de H. & M. per præd' W. & A. preallegat' habita ſeu celebrata fuerunt ante dicta ſponſalia inter p̄dict' I. L. de T. & M. celebrat' prout idem W. & A. ſuperius allegarunt, & hoc, &c. unde petit judicium ſi executionem, &c. Et p̄d' W. & A. dicunt, quod predicta deſponſalia inter p̄d' I. de H. & M. per predict' W. & A. præallegata, habita & celebrata fuerunt ante dicta deſponſalia inter prædict' I. L. de T. et M. celebrata in forma qua iidem W. et A. ſuperius allegat', & de hoc poñ &c. Et p̄d' W. ſimiliter, Ideo præc' eſt tam vic' N. quam vic' S. quod &c.

Barte que le demandant fuit nec hors de les eſpouſals.

Et p̄d' P. dic', quod p̄d' W. execuc' verſus eum habere non debet quia dicit quod, ubi præd' W. p̄ breve ſuum prædict' ſupponit & aſſerit ſe fuiſſe filium & hæredem præd' T. idem W. natus fuit extra omnia ſponſalia, et hoc paratus eſt verificare, unde petit judicium ſi prædict' W. ut filius et hæres predict' T. ſeu alterius cujuſcunque, &c. verſus eum habere debeat, &c. Et prædict' W. dicit quod prædict' T. pater ſuus habuit quandam uxorem ſibi deſponſat' A. nomine, de qua ipſe natus fuit infra ſponſalia inter eos T. & A. celebrata, et hoc paratus eſt verificare, unde petit judicium ſi, &c. Et executionem ſibi adjudicari &c. Et p̄d' P. dicit, ut prius, quod pred' W. natus fuit extra omnimoda ſponſalia, & non infra ſponſalia p̄d', ꝓut pred' W. ſuperius allegavit. Et de hoc poñ ſe ſuper patriam. Et predict' W. ſimiliter. Ideo duodecim &c.

Borne before marriage.

Et predict' I.P. & A. non cogñ quod ipſi, qui fuerunt partes fini p̄dict', nec aliquis eorum unquam aliquid habuerunt vel habuit in tenīs et advocatioñ in p̄d' fine content', dic' quod p̄f. E. ut filius et hæres p̄d' W. execuc' de ten̄t et advocatioñ verſus eos habere non debet. Quia dic' quod idem W. cepit in uxor' quandam M. quæ quidem M. deſponſata fuit eidem W. apud E. in com̄ S. et ibidem deſponſalia inter eos celebrata fuerunt, & dic' quod idem E. natus fuit apud C. in com̄ S. ante deſponſalia. Et hoc parati ſunt verificare p̄ patriam de predict' com̄ S. et qualiter Curia hic conſ. unde petit judicium ſi idem E. execuc' de ten̄ et advocac' p̄d', ut fil' ut hered' p̄d' E. in hac parte verſus eos habere debeat, &c. Et p̄d' E. non cogñ aliqua p̄ p̄d' I. P. et A. ſuperius allegat' dic' quod ipſe p̄ aliqua p̄allegat' ab executione de ten̄t et advocacioñ p̄d' virtute finis præd' p̄cludi ſive repelli non debet, quia dicit quod p̄d' W. pater ipſius cepit in uxor' p̄dict' M. viz. apud M. in dicto

dicto Com̃ E. ibid̃ deſponſalia inter eos modo legitimo & ſecundum forum eccleſiaſticum celebrat̃ fuerunt, & dicit qd ipſe ibid̃ infra deſponſalia alia inter ipſos W. & M. celebrata natus fuit & procr̃ & hoc &c. per patriam de p̃dict̃ com̃ E. & qualit̃ cur̃ hic conſ. unde pet̃ judicium & executioñ &c. & p̃dict' I. P. &c. dic' q̃ p̃dict' E. natus fuit apud C. in p̃d̃ com̃ S. ante deſponſalia inter p̃dict̃ W. & M. celebrat̃, & hoc ut prius paratus fuit verificare p̃ patriam, & qualit̃ cur̃ hic conſ. &c. Et p̃dict̃ E. dicit q̃ ipſe natus fuit & procr̃ fuit infra deſponſalia inter p̃dict̃ W. & M. celebrata, videlicet apud M. in p̃dict' com̃ E. & hoc ut prius paratus eſt verificare p̃ patriam p̃dict' com̃ E. & qualitercunque Cur̃ hic conſ. & quia videtur Curiæ hic q̃ exitus placiti p̃dict̃ p̃ homines de utroque Com̃ prædict̃ triari debet. Ideo prec' eſt utriſque vicec' Com̃ p̃d' quod uterque eorum venire faciat hic tali die, duodecim, &c. per quos, &c. Triall.

Rex I. ead̃ gratia L. Epiſcopo ſalut̃, cum I. M. filius P. fratris G. B. in Curia noſtra coram nobis p̃ quod breve nr̃ unde ſci. fac. quoſd̃ I. A. & P. G. de quodam meſ. cum p̃tineñ in F. implicaverit, ipſiq; I. A. & P. juxta debit̃ p̃munic' virtute dicti brevis noſtri ſibi fact', coram nobis comparentes allegaverunt ipſum I. fore baſtard̃, hoc p̃tendendo verificare, & quia hujuſmodi cauſæ cognitio ad forum mere ſpectat eccleſ. vobis mandamus, quod voc̃ coram vobis, quos in ea parte fore viderit evocand̃, diligent̃ inde faciat̃ inquiſitionem, & plenariam veritatem ind̃ p̃ literas veſtras ſub ſigillo veſtro figil' nobis in oct' &c. ubicunque tunc fuerimus in Angl', reddat̃ certiores, & hoc breve nobis nunc remitt̃, Teſte, &c. Briefe al eveſque to certifie baſtardy.

Et modo hic ad hunc diem venit tam p̃dict̃ I. B. per B. atturñ ſuum, quam p̃dict. I. H. in ꝓpria ꝑſona ſua, & vic' mand̃ quod ſcire feceꝛ eid̃ I. H. eſſendi hic ad hunc diem, &c. oſtenſur̃ in form̃ p̃dict' per N. B. &c. probos &c. & ſuper hoc p̃dict̃ I. E. petit verſus predict I. H. exec' &c. Et p̃d̃ I. H. dic' quod p̃d̃ I. B. execuc' de meſ. p̃dict̃ cum p̃tiñ virtut̃ finis p̃d̃ verſus eum habere non debet, qua dicit quod ead̃ I. fuit ſeiſita de eiſdem meſ. cum p̃tineñ in dominico ſuo ut de feodo talliato virt̃ finis illius, cujus quid̃ I. ſtatum p̃d̃ I. H. modo habet in meſ. illis cum p̃tineñ, & ſic dicit quod finis p̃dict̃ executus fuit in ꝓſona prædict̃ I. per ſeiſinam ſuam virtute finis illius, & hoc paꝛ eſt verificare, unde petit judic' ſi p̃dict̃ I. B. execuc' meſ. p̃d̃ cum p̃tineñ virtute finis prædict̃ in form̃ p̃dict' executi in hoc caſu verſus eum habere debeat, &c. & p̃dict̃ I. B. dicit quod ipſa ab execuc' meſ. p̃dict̃ cum p̃tiñ verſus p̃f. I. H. habend̃ p̃ aliqua p̃alleg' excludi non debet. Quia dic' q̃ p̃d̃ I. non fuit ſeiſita de p̃dict' meſ. cum p̃tiñ virtute finis p̃dict' in forma qua præd̃ I. H. ſuper allegavit, & hoc pet̃ q̃ inquir̃ p̃ patriam, & prædict' I. H. ſimil', Ideo 12, &c. Return ſi Scire facias.

I. to whom the plain. maketh himſelf heire was ſeiſed, whoſe eſtate the tenant hath.

Et

Et pred̄ T. R. quoad octo acr̄ boſci cum pertinentiis in pred̄ villa de H. unde executio modo ſecuta eſt verſus eum, dicit quod prædict̄ R. & H. qui fuerunt partes fini pred̄, tempore levationis ejuſdem finis ante, ſeu poſt, nihil habuerunt in eodem boſco cum pertinentiis unde &c. ut de libero tenemento, immo quædam I. M. tunc fuit inde ſeiſita in dominico ſuo ut de feodo, cujus quidam I. ſtatum inde, pred̄ T. R modo habet, & die impetrac' pred̄ brevis de Scire facias habuit in boſco illo cum pertinentiis, & hoc paratus eſt verificar̄, unde petit judicium ſi pred̄ P. fil' P. executionem earund̄ octo acrarum boſci cum pertinen̄ virtute finis pred̄ in hoc caſu verſ. eum habere debeat, &c. Et quoad p̄d̄ centum ſolidatos redditus cum pertinentiis in eadem villa de H. unde executio ſimiliter modo ſecuta eſt, idem T. ulterius dicit, quod ipſe non eſt inde tenens, perceptor neq; deforc' redditus illius cum pert̄, neque tenens tenementorum, unde idem redditus illius cum pertinentiis, proven̄ ut de libero tenemento, nec fuit die impetrac' pred̄ brevis d̄ ſcire facias aut unquam poſtea, Et hoc paratus eſt verificare, unde quoad red̄ illum cum pertiñ pet̄ judicium de brevi &c. & pred̄ P. fil' P. quoad dictum redditum centum ſolid̄, dicit q̄ die impetrationis brevis ſui de Scire facias, ſc. die, &c. anno, &c. pred̄ T. R. fuit tenens ut de libero ten̄ de viginti acris terræ cum pertinentiis in pred̄ villa de H. unde reddit̄ ille cum pertinentiis provenit. Et dicit quod idem T. tunc fuit deforc' ejuſdem redditus cum pertinentiis ut de libero tenemento, p̄ut p̄ idem breve ſupponitur: Et petit ſuo periculo executionem ejuſdem redditus cum pertinentiis verſus eum audicari, &c. Ideo, &c. quoad redditum illum cum pertinentiis, conſ. eſt quod predict' P. fil' P. habeat inde executionem ſuo periculo verſus pref. T. R. virtute finis prædict', &c. Et quoad pred̄ octo acras boſci, cum pertiñ, unde &c. idem P. fil' P. dicit, quod tempore levationis finis pred̄, predict̄ T. & G. qui fuer̄ partes fini illi fuerunt ſeiſiti de eodem boſco, cum pertineñ unde &c. in domin̄ ſuo ut de feodo, &c prout per eundem finem ſupponitur. Et hoc petit q̄ inquirat̄ p̄ patriam & pred̄ T. R. ſimiliter, Ideo quoad hunc exitum, 12. &c.

Scias q̄ conſ. eſt in Curia n̄ra, &c. q̄ P. B. filius & hæres P. B. habeat executionem verſus T. R. de centum ſolid̄ redditus cum pertiñ in H. virtute cujuſdam finis inde levat̄ in Cur̄ domini E. quondam Regis, &c. apud W. in oct' &c. ann̄, &c. coram W. B. & ſociis ſuis tunc Juſtic' ejuſdem &c. de Banco inter R. &c. quer̄, & T. P. & B. uxorem ejus deforc', de redditu pred̄ cum pertiñ, ac de aliis terris & ten̄tis in eodem fine contentis per defal̄ &c. Et ideo tibi præcipimus, quod eidem P. de reddit̄ pred̄ cum pert̄ ſine dilatione plenar̄ executionē & ſeiſinam habe̅ facias T. &c.

Scias quod conſ. eſt in Cur̄ &c. quod R. filius & hæres R. habeat ſeiſinam

nam & execu' versus R. D. de manerio de A. cum ptiñ in coñ suo per defalt̃ predict̃ R. virtute notæ cujusdam finis nuper levati in curia p̃d̃ R. nuper Regis, &c. apud W. à die &c. anno, &c. coram R. B. & sociis suis Iusticiariis prædict̃ nuper Regis de Banco, & postea in oct. &c. anno, &c. ibidem conceſſ. & recordat̃ coram eisdem Iusticiariis & aliis ejusdem nuper regis fidelibus tunc ibi præsentibus, inter R. de A. &c. quer̃ & I. de S. & E. uxor̃ ejus deforciant̃, de maneriis de O. & R. cum pertinentiis in coñ N. & de predict̃ manerio de A. in comitat̃ tuo & ideo ibi præcipimus, quod eidem R. fil' R. de prædict̃ manerio de A. cum pertineñ sine dilatione plenar̃ seisinam & executionem habere facias. T. &c.

Habere facias seisinam sur recovery sur defalt in Scire facias.

Postea die & loco, &c. venit R. W. infranominat̃ in propria persona sua & W. N. infranominat̃ soleniter exact' non venit, sed I. uxor ejusd̃ W. infranominat̃ in propria persona sua venit, & dicit qd mania infra specificat̃ sunt jus ipsius I. & quod ipsa parata est ostendere, qd p̃d̃ R. W. execuc' de maneriis illis virtute finis infrascript̃ habere non debet unde ex quo venit ante judicium redd̃ parata præf. R. inde respondeř & jus suum defendeř, pet̃ quod ipsa per defalt̃ p̃f. W. viri sui non amittat inde jus suū, sed q̃ admittat̃ inde ad defensionem juris ipsi' I. Ideo &c.

Recite of a feme covert upon her husbands default.

Certaine Causes of the nature and forme of a Sci. Fac. upon a fine.

And a Scire fac. to execute a fine, must agrée with the fine, and then it is not materiall, if one thing be twice demanded thereby, as a manor, and a hundred parcell of the same manor, 27 H. 8. 2.

Sect. 179. Surplusage.

A Scire facias may be sued vpon the note of the fine, before it be ingrossed by the Chirographer, 22 H. 6. 13.

Vpon the note

But of a fine leuied before time of memory, a man shall not haue execution by Scire facias, 1 E. 4. 6. Contr̃ 16. H. 7. 9.

A fine before memorie.

Where a fine executory is leuied of a Seignory, if the land escheat or the tenant be forejudged, &c. the Cognisée shall haue a Scire facias of the land in lieu of the services, 48 E. 3. 11.

Of land in lieu of the services.

A Mittimus maketh no mention whether the fine be ingrossed or no, but, cum quidam finis levasset &c. 22 H. 6. 13.

If a fine be leuied to A. in taile, the remainder to B. in taile, the remainder to C. in fée: And the record is sent into the Chancery, and the first tenant in taile dieth without issue, and the record commeth backe into the Bench by Mittimus, at the suit of him in the first remainder, and thereupon he had a Scire facias to execute the fine, and died without issue before execution had, he in the remainder in fée shall not hereupon haue a Scire facias, without a new commandement, because the record was once out of the Court, and came again at the suit of him in

the first remainder, vnto whom he in the remainder in fée is an estrange, yet the issue of him, which remoued the record, in this case might haue a Scire facias, without any new commandement, because he is priuy, 14 H.7.16. 9 E.4.15. 11 E.4.13.

If to sue a Scire fac' to execute a fine, and the one dieth, the suruiuor shall haue a Scire fac' without any new commandement, 1 E.4 13.

But if diuers persons, as heires vnto A.B. pray a Scire fac' it is not granteble, vntill they haue sued seuerall writs to the Iustices of the bench, commanding them to make execution, 11 E.4.13. T.21.E.4.

Coment cosin & heire.

In a Scire facias to execute a fine, as cosin and heire to him in the remainder or reuersion, after the death of the particular tenant, the plaintife nédeth not to shew how cosin and heire, so long as the plea hath continuance, by Idem dies, &c. giuen to the tenant, nor at his appearance, nor vntill the plaintife pray execution: And then the coment cosin & heire, is to be entred thus in the Roll only: Et prædictus I. dicit quod ipse est consanguineus & heres I. W. videlicet filius, & heres T.W. fratris & heredis ejusdem I. W. 33 H.6.54. 41 Ed.3.13. & 24. 8 H.4.31.

Bastardy.

In Scire fac' by him in the remainder vpon an estate taile vers A.B. supposing the donée to be dead without issue, if A. B. plead that he is issue to the donée, and the plaintife replieth that he is a bastard, it is a good replication, 40 E.3.16.

Vpon estate executed.

Scire facias vpon a fine leuied to T.R. and W. and to the heires of the bodie of R. the remainder to the right heires of the said W. T. died, and R. died without issue, and W. suruiued and died, his heires néd no Scire facias to execute this fine, because it is executed in his life, by the vnion of the fée and franketenement in W. 40 E.3.20. And so if a fine be leuied to a baron and feme, and to W. and his heires, and he dieth, and then the baron and feme do die, the fine is executed for one moitie in the life of W. Fitzh. Scire facias 19.43. E.3.9.24 E.3.57.

Ayde.

Tenant for life in Scire facias had ayde of him in remainder, 41 E.3. fol.16.& 20. 22 E.3.12.

Death shewed.

In Formedon in reuerter or remainder, the demandant must mention the death of euery one, which had estate and suruiued his ancestor, but not so in a Scire facias fur fine, 42 E.3.19.

Seuerall estates.

If the plaintife haue seuerall estates, created by one fine, he nédeth but one writ of Scire fac', 43 E.3.11. though it be of seuerall things against seuerall tenants, 11 H.4.15. 21 E.3.14. 24 E.3.25.

Default.

If in a Scire facias the Sheriffe returne, the partie summoned, and he appeare not, execution shall be awarded, 43 E.3.13.

Reversion.

If a fine sur cognisance de droit come ceo &c. be leuied of a reuersion by the name of the land, it is not executory, 43 E.3.15.

If

If the ſeruices eſcheate after a fine leuied of the ſeignioꝛy, the Cogniſée ſhall haue execution of the land eſcheated, 48 H.3.11. Seignerie.

A Scire facias lieth ſometimes of things not compꝛiſed in the writ: as if in a fine ſur releas, the Cogniſée render rent in taile, 48 E.3.8. Of things out of the writ.

If land be giuen by fine foꝛ life, the remainder to baron and feme in taile, and the Baron dieth, and then the tenant foꝛ life dieth, and the feme entreth, the fine is executed ſo as their iſſue néedeth no Scire fac' 49 E.3.12. Execution by entry of him in remainder.

Scire facias lieth foꝛ the donoꝛ in taile againſt any that abateth after the death of the donée in taile by fine without iſſue, 22 E.3.12. Of a reuerſion.

Upon generall Nontenure pleaded, the plaintiſe may take execution at his perill: But ſpeciall Nontenure ſéemeth a géed plea, 7 H.6.25. Nontenure generall or ſpeciall.

A man ſhall not haue execution vpon nihil returned, becauſe the tenant may be ſummoned in the land demanded, 24 E.3.25. Nihil returned.

If a fine be leuied to husband and wife in taile, the remainder to his right heires, and they hauing iſſue, the husband dieth, the wife hath iſſue by another husband and dieth, the iſſue by the firſt husband entreth and dieth without iſſue, and his next heire entreth, as into the remainder in fée, againſt whom the iſſue by the ſecond husband bꝛingeth a Sc' facias, and recouereth by reaſon that the fée could neuer execute in poſſeſſion in the elder bꝛother, during the eſtate taile, 24 E.3.30. and 62. Demy ſank.

Feoffement with warranty from the plaintiffes anceſtoꝛ, is a good plea in Scire facias vpon a fine, 22 H.6.39. Feoffement.

The heire ſhall haue his age in Scire facias Cont' Weſtm 2.ca. 45. 24 E.3.28. and 60.

What fines with proclamations barre not the iſſue in taile.

NO fine leuied by tenant in taile barreth his iſſue mainteinant, but where the tenant in taile is cogniſoꝛ, as if tenant in taile bꝛing a writ of couenant againſt an eſtranger, and he recogniſe the land to be the right of the tenant in taile, as that which he hath of his gift, &c. and the tenant in taile grant and render the land to the cogniſoꝛ foꝛ years, yéelding rent, &c. and die, this fine is void againſt the iſſue in taile, M. 10. and 11 Eliz. Dyer fol. 279. p. 7. 36 H.8. Br. fines 118. Sect. 1803

A fine with pꝛoclamation leuied by tenant in taile, the reuerſion oꝛ remainder being in the king, bindeth not the iſſue in taile, as it ſéemeth Br. fines 121. But if ſuch lands were intailed by the king, ſuch fine barreth not the iſſue in taile, 32 H.8. cap. 36.

If an Eſtranger leuy a fine to tenant in taile ſur cogniſance de droit come ceo que il ad de ſon done, and he rendzeth to him a rent in fée, and die after pꝛoclamation, yet the iſſue in taile may auoid it, foꝛ he is remitted, and the rent is another thing then the land, 15 Eliz. Plo. fol. 435. b. per Thornton.

If tenant in taile of an aduowſon, grant and render by fine the nomination of the Clerke, it is void, 15 Eliz. Plo. f. 435. b. per Thornton.

If tenant in taile of a rent diſſeiſe the tenant of the land, and leuy a fine with proclamation of the land, the iſſue in taile is not barred for the rent, becauſe the fine was not leuied of the rent but of the land, per Thornton, and granted 15 Eliz. Plo. f. 435. b.

If tenant in taile grant a rent by fine, his iſſue may auoid it. 15 El. Plo. 436. 14. Aſſ. p. 4.

What time after a fine levied, and proclamation made, any man hath to enter or claime by action, or otherwiſe, and who are thereby barred forthwith, and who not.

Hitherto of the formes and execution of fines; now let us ſee how they may be avoyded.

Sect. 181. TO know what time perſons that haue cauſe to enter or claime, may enter or claime, after a fine leuied, many things are to be weighed: for ſome perſons haue more time, and ſome leſſe: for the diſcuſſing of which queſtion, we muſt not onely conſider the qualitie of the perſons which ſhould claime or enter, but alſo the qualitie of their rights and eſtates: And the perſons be either ſuch as are void of impediments, or ſuch as haue impediments: and the ſame be either parties, or priuies to the fine, or eſtrangers to the ſame: And againe, they haue either preſent right, or future right: And vnto thoſe which haue future right, ſuch haue the ſame, either wholly after the fine, or partly before and partly after: and ſome of them haue but one title, and ſome diuers: and others haue no right to the tenements compriſed in the fine, but to ſome things therein, or iſſuing out of the ſame.

Parties. Parties to fines, void of impediments at the time of the leuying of the ſame, and their heires, are thereby barred preſently, and haue no time at all to auoid the ſame, by entry, or claime, 1 R. 3. ca. 7. 4 H. 7. ca. 24. whether they be perſons hauing naturall capacities, or ciuill.

If they be ſuch ciuill bodies or corporations, as haue in themſelues abſolute eſtate and authority of their poſſeſſions, ſo as they may maintaine a writ of right thereof, as Maior and Comminaltie, Deane and Chapter, Colledges, ſocieties corporate, and ſuch like, and their ſucceſſors, and barred by fines preſently, Plo. 338. a. T. 20 Eliz.

But Deanes, Biſhops, Priors, Abbots, Maſters of hoſpitals, Parſons, Vicars, Prebendaries, Chauntrie Prieſts, and ſuch like, which may not haue a writ of right, but either a Iuris utrū, Fitz. Nat. fol. 48. 1. or, ſine aſſenſu capituli Fit. Nat. fo. 118. i. are not barred by ſuch fines if the patron and ordinary ioyne not with them, Plo. 538. a. 20 Eliz. 375. b. 11 Eliz.

How

How privies in bloud are bound in fines.

AND by the same statutes 1 R.3.c.7. 4.H.7.c.24. Priuies in blood as heires of the conisors, claiming by the same title that their ancestor had that leuied the fine, be barred presently thereby, whether they be void of impediments, or no. As if land of Socage tenure be giuen to baron & feme, in speciall taile, the remainder to the right heires of the baron in fée, and the baron sole leuieth a fine with proclamation to his owne vse in fée, and after deuiseth the same lands to A. in fée, and hath issue, and then the baron and feme die, the issue in title is barred, because he cannot otherwise conuey himself to the taile and descent in taile, then the heire of the body both of his father and mother, Tr. 18. Eli. Dyer. f. 251. p. 24. 9. H. 8. Dyer f. 3. p. 6. 32 H. 8 Br. Fin. 109. Sect. 182. Privies.

So if husband and wife, tenants in speciall taile, haue issue, and the wife die, and the husband marrie another wife and haue issue, and leuie a fine sur cognisance de droit come ceo, &c. and by the same fine take estate in speciall taile, the remainder ouer &c. and die, the issue by the first wife is barred, because he is priuie in blood, the continuance of the possession in the husband notwithstanding, 32 E. 3. Dyer pl. 16. Eli. f 354. p. 31 & 32. Privies.

But if my fathers brother disseise him, and leuie a fine with proclamation, and my father and vncle within 5. yeares after proclamation die, yet may I auoid it by entry, at any time before the end of the said 5. yeares, notwithstanding that I am priuy in blood vnto my vncle, for that my title to the land groweth by my father, and not as heire vnto my vncle, P. 19 H. 8. Dyer f 3. p. 3. Privies.

Neuertheles, if my father disseise my grandfather of an estate in fée, and therof leuie a fine with proclamation, and first my grandfather, and then my father die, I am now barred, as priuie, because I cannot otherwise conuey my selfe to the lands then as heire vnto my father the conisor, P. 19. *H.* 8. Dyer f. 3. p. 3.

Of estrangers having present right, and no impediment.

BVt Estrangers to fines (which be all persons, not parties nor priuies) and being void of impediments naturall and legall, and hauing present right to the lands in the fine, haue only 5. yeers after proclamations, to enter and claime their right, 1 R. 3. c. 7. 4. H. 7. c. 24. Sect. 183.

As if one haue a remainder, or a reuersion, depending vpon an estate or yeres, or by statute Staple, statute Merchant, or elegit, and the termor be disseised, and a fine leuied &c. and 5. yeres passed, they be all barred thereby: for that these termors might presently haue entred, & be in the reuersion or remainder for such disseisin might haue had an assise: So the statute 4 H. 7. c. 24. seemeth to barre the termors through negligence, by this word interest, which comprehendeth a terme, Pl. f. 374. a. Tenant in remainder or reuersion vpon estate for yeers or at will.

And if a tenant in taile be disseised, and a fine leuied with proclamation, and v. yeares past, and the tenant in taile dieth, the issue in taile is bound for euer, p Dyer and Catlin, for the right was present to the tenant in taile at the time of the fine leuied, and he cannot claime, but by the same title, which his father had, which was barred in his life time, Plo. fol. 374. a. Dyer. fo. 3. pl. 6. 19. H. 8. 7. The like it is of the laches of him in the remainder or reuersion, for it barreth him and his heires, Plo. fol. 374. a. Dyer. fol. 3. P. 6.

Of Estrangers having present Right, and impediment.

Sect. 184. But Estrangers, to fines, pestered with impediments of Infancie, couerture, madnesse, idiocy, lunacy, imprisonment, or absence out of the Realme at the leuying of fines, and hauing then present right, or interest, haue yet liberty fiue yeares after such infirmity remoued to make entrie or claime &c. 1 R. 3 c. 7. 4. H. 7. ca. 24.

Infants. And therefore an Infant hath v. yeares, after he accomplish his full age (though he be in his mothers womb) Plo. f. 367. a. because the law intendeth that infants by reason of their tender yeares, doe want vnderstanding, to know their right, and whether their entries be lawfull or no, And how to make their entries and claime, or bring their actions according to their title, Plo. fol. 359. 4. H. 7. c. 24.

Yet if my fathers brother disseise him, and leuie a fine with proclamation, and a yeare after the proclamation my father dyeth; And after and within 5. yeares my vncle dyeth, I by reason of my infancy haue onely so much time to auoid the same, as at the death of my father remained to come of the fiue yeares next after the proclamation, and not now fiue years, because I claime by the same title that my father had, in whom the first fiue yeares were attached and begun, Dyer. f. 3. pl. 2. In like maner, and for the same reason, if the father, or ancestor be disseised, and the disseisor leuie a fine with proclamation, and within fiue yeares after the proclamation, the ancestor dieth, his heire being within age, yet if he make not his entrie, or claime within the first fiue yeares after the proclamation, he is barred, Plow. f. 367. b. 377. a. And it is there adjudged.

Non sanæ memoriæ. Madmen, and lunatickes, estrangers to fines, haue the like libertie to enter or claime, that Infants haue for their indiscretion, 1 R. 3. c. 7. 4 *H* 7 c. 24 Yet as it seemeth, if non sanity of memory happen after the fine leuied, and before the last proclamation be made, the parties be not tied to make claime or entrie, during the first 5. yeares, but shall haue 5. yeares after they be cured of their said maladies, because they grow by the act of God, Plow. fol. 375. a & 366. a.

Couerture. And a feme covert, being an estranger to a fine, hath fiue yeares after she be discouert, to pursue her right, for that during the couerture she

she wanted power to do the same without her husbands consent, who perchance would neither doe it, nor suffer it to be done: Howbeit if a feme sole being an Estranger to a fine, and haue present right, &c. take a husband, who suffereth the fiue yeares to incurre, she is therby barred for euer, because it was her owne voluntary act and folly to marry such an husband, Plo. fol. 336. a.

Estrangers to fines, imprisoned at the time of the fine leuied, haue the like liberty to auoid fines that infants haue, because the law intendeth, that prisoners are so closly and straitly kept from the conference of others, that they know not what happeth abroad: & do also want liberty to take counsel, and make their entries and claims, and therefore no laches is in this behalfe imputed to them, Pl. f. 360. a. & 366. a. But if such imprisonment happen after the fine leuied before the last proclamation made, it seemeth he shal haue fiue yeres after his inlargement, because the imprisonment is not his voluntary act, Pl. 375. a. 366. a. Imprisonment.

An Estr. to a fine, being out of the realme at the leuying thereof, hath 5. yeares after his return to enter or claim. But if he had bin in Engl. at the leuying of the fine, and after had gone beyond the seas, and suffered the fiue yeres after proclamation to passe, he had bin barred, Pl. f. 366. a. 7. El. 4. H. 7. c. 24. But if he be sent beyond the seas in the Kings seruice by his commandement, it seemeth otherwise. Out of England.

And such ciuil bodies or corporations as haue in themselues absolute estate and authority of their possess. so as they may maintaine a writ of Right thereof, as Maior and communalty, Deane and chapter, colledges, societies incorporate, and such like, they and their successors, are barred by fine and nonclaime by fiue yeres, Plo. f. 538. T. 7, 20 Eliz. Corporations.

But Deans, Bishops, Priors, Abbots, maisters of hospitals, Parsons, Vicars, Prebendaries, Chauntry Priestes, and like like, hauing ioint power, and which may not haue a writ of right, but either a Iuris utrum, Fitz Nat. f. 48. r. or. sine assensu capituli, Fit. Nat. f. 118 i. are not barred by such fines, and nonclaime by fiue years, Plo. 538. a. 230. Eliz. 375. b. 11. Eliz. Corporations.

Of Estrangers having diuers defects.

Sect. 185.

And moreouer, estrangers to fines, hauing diuers defects or infirmities, as infancy, couerture, nonsanitie of memorie, imprisonment, absence out of the realme, to auoid fines, must haue fiue yeares after the last of the said infirmities removed, Plo. 375. a.

But if they haue diuers impediments, which be al, once after the proclamation, wholy removed, and after they fall into the like again, & die, their heires are not to haue new 5. yeres, but the first 5. yeres begun in their ancestors, immediatly after their first impediments so removed, shall proceed, & nonclaime of their heires, during all the residue of the

ſaid fiue yeares, binding them as their ſaid anceſtors ſhould haue bin bound thereby, if they had remained void of ſuch impediments during all the ſaid fiue yeares, Plow.f.375.a.

Of Eſtrangers, without impediments, having future right for cauſe precedent.

Sect.186. THus much of eſtrangers to fines, hauing preſent right, now of ſuch as haue future right: which right is of two ſorts: for it groweth either wholly before the proclamation, or partly before, and partly after the ſame.

And therefore eſtrangers to fines, void of the ſaid impediments, whoſe right, title, claime, or intereſt firſt groweth, remaineth, deſcendeth, or commeth to them after the proclamation, by force of any matter or cauſe had or made before the ſame, haue onely fiue yeares, after ſuch right, &c. firſt groweth, deſcendeth, remaineth, or commeth vnto them, 1 R.3.c.7 4.H.7.c.24. As if a Mortgagée be diſſeiſed, and the diſſeſor doth leaſe a fine with proclamation, and the fiue yeares after the proclamation the mortgage or payeth or tenderth the money according to his bargaine, he may lawfully enter at any time within fiue yeares after the ſaid payment or tender becauſe his title firſt accrueth thereby after the proclamation, by reaſon of the condition and mortgage made before the ſame, Plow.fol.378.a.b.

In like maner, and for the like cauſe, he which hath a Remainder or Reuerſion, depending vpon an eſtate of freehold, hath fiue yeares, after that his remainder or reuerſion accrueth, to enter, &c. And his heire if he die before entrie, &c. hath only fiue yeares, after the death of the particular tenant to enter, Plow.fol.374.a.b.

And if the tenant in taile leuy a fine with proclamation, after the fiue yeres he dieth without iſſue, the donor hath fiue yeares after his death, to bring his formedon in Reuerter, becauſe he is the firſt vnto whom the right commeth after the proclamation for cauſe precedent, Plow.fol.374.a.

And if tenant in taile diſcontinue in fée, and the diſcontinuée leuieth a fine with, &c. and fiue yeares do paſſe, and the tenant in taile dieth, yet his iſſue hath fiue yeares after his diſcender, to bring his formedon in diſcender, becauſe he is the firſt to whom the right of the entaile commeth after proclamation by force of the gift in taile made before the fine, Plow.374.a.19.H.8.7.Dyer f.3.p 5.

Of Eſtrangers with Impediments having future right.

Sect.187. AND eſtrangers to fines, hauing future right for any cauſe precedent the fine, being affected with ſuch impediments, when their right firſt accrueth, haue fiue yeares after ſuch impediments remoued, to purſue for the ſame, 1 R.3.c.7.4. H.7.c.24. As infants, as well thoſe which

which be borne, as those which be in their mothers wombe, when such right happeneth to them. Plo. fol. 367. a. Femes coverts, mad men, lunatikes, prisoners, persons beyond the sea, as appeareth before where it is spoken of them having present right. Plo. 366. a. 7. Eliz.

As if a man haue issue a son and a daughter, which sonne purchaseth lands and dieth: and the daughter entreth as his heire, and is disseised by A. who leuieth a fine, and fiue yeares passe without claime. And ten yeares after the father hath another son, which is heire to his brother, he shall haue new fiue yeares after he come to his full age, because he is the first to whom the right descended after the proclamation, by reason of the descent which was before them. Plo. fol. 374. b.

But if an estranger to a fine, to whom a remainder, or other title, first accrueth after the fine, do not pursue his right within fiue yeares, he and his issue are barred for euer. 16 H. 8. Dyer fol. 3. pl. 6.

And in like maner, if the first issue in taile, to whom the title of the intaile first accrueth, neglect his fiue yeares, the whole estate taile is thereby bound for euer. 32 H. 8. Br. Fines 100.

If he which abateth after the death of a tenant in fée, make a feoffement vpon condition, and the feoffée leuy a fine, & fiue years after proclamation passe without entry or claime made by his heire, the heire is barred: But if afterwards the condition be broken, and the abator therefore enter, then the heire may haue an Assise of mortdaunceſter against the abator, or entry vpon him at any time, & he hath no defence. For if he plead in barre of the assise the fine leuied to the cognisée, and that he hath his estate, the speciall matter of the abatement, condition, and reentry may be pleaded in defence thereof, for he can neuer challenge priuiledge by the estate of the cognisor, which he himselfe defeated, Plo. fol. 358, b. 7. Eli.

Of Estrangers having no right for any cause before the fine.

BVt estrangers to fines, hauing neither present, nor future right, &c. at the leuying thereof, by reason of any matter had before the fine, whose right groweth either intirely after the proclamation, or partly before, or partly after, may enter or claime when they please within the time of the prescription. Sect. 188.

As if the father die seised, his eldest son being professed, and the ponger son entreth, and is disseised, and a fine with a proclamation leuied, and after the elder son is deraigned, it séemeth he is bound to no time. Plo. fol. 337. a.

So if the husband leuie a fine of his owne lands, whereof his wife is dowable, and die, and fiue yeares passe after his death, she is not barred of her dower, because her title to be endowed accrued after the fine leuied, Dower.

leuied, namely by the death of her husband, for before his death she had only possibility of dower, and not any right, title, or interest thereunto Plo fol. 373.

And if a tenant cease one yeare, and then a fine with proclamation is leuied: And afterwards a tenant ceaseth another yeare; The Lord may haue his cessavit per biennium xx. yeares after the proclamation made, because his right and title groweth partly before the fine, and partly after the fine leuied, that is at the end of the two yeares of his tenants ceaser, Plo. fol. 373. b.

Of Estrangers, having divers future Rights by divers titles.

Sect. 189. But if Estrangers to fines haue seuerall future Rights, by diuers titles growing at seuerall times, it seemeth, that they shall haue seuerall fiue yeares, to make entrie or claime, commencing from such time as their seuerall titles first accrew unto them: As if Tenant for life, the remainder in fee make a feoffement in fee: And the Feoffee leuie a fine with, &c. and he in the remainder suffer the first fiue yeares to passe, hee is by his laches barred of his entrie, for the forfeiture growing by the alienation of his tenant during his tenant for life, because he had present right at the leuying of the fine to enter for the same, yet if after the tenant for life doe die, he hath other fiue yeares to bring his Formedon in Remainder, because that is a new title or right by which he could not haue his Formedon during his tenant for life. And he had his election to take aduantage of the forfeiture or not, Plo. fol. 573. b. Quære for there Catlyn thinketh otherwise, because his to the land by the forfeiture accrued to him in the life time of his Tenant for life.

If I. S. be tenant pur auter vie, the remainder to another for life, the remainder to the same I. in fee, and I. S. is disseised, and the disseisor leuieth a fine with proclamation, and the fiue yeares passe, I. S. is bound for his future and present estate for life: But if cestuy qui vie and he in the meane remainder die, now I. S. shall haue other fiue years to enter for his remainder in fee, for it then first remaineth unto him by the death of him in the meane remainder, and cestuy qui vie, for cause grown wholly before the fine, that is, the state so made before, which is another title, Plowden 367. b. per Welshe, and diuers Iustices, Plo. 367. b.

In like maner, if land be giuen to I. S. for the life of A. the remainder to him for the life of B. the remainder to him for life of C. and he is disseised, and the disseisor leuieth a fine with proclamation, now I. S. for his present right, hath fiue years by the first Saving of the St. 4. H. 7. ca. 24. And fiue years after the death of A. by the second Saving which is of future right, and other 5. years after the death of B. for his

second

second remaindre, for quando duo jura in una persona concurrunt, a quũ est ac si essent in diversis, Plow. 368.a.

If a man disseise a feme sole, and after marrie her, and haue issue by her, and the baron is disseised before marriage or after, and a fine with proclamation leuied, first the baron, and after the feme die within 5. yeares, the issue being of full age; the 5. yeares past, he is thereby bound as heire to his father, but hath other 5. years after the death of his mother, to enter, for albeit it is but one selfe same land, yet the heire hath seuerall rights thereunto growing at seuerall times, the one as heire to his father, the other as heire to his mother, in regard whereof he hath seuerall times, Plow. 367.b.

So if the husband maketh a feoffement of his wiues lands, vpon condition, which is broke, he leuieth a fine which, &c. the husband hath issue by his wife, and dieth, the first 5. years passe, & then the wife dieth, the heire is barred of his entrie for the condition as heire to his father, but shall haue fiue years after the death of his father, to claime, &c. because it is a title differing from that which did descend frõ his father, accruing to him first by the death of his mother, Plow. 167.a.

Estrangers to fines, having neither present nor future right to the tenements in the fine, at the levying thereof, but onely unto rents, common, &c. issuing out of the same.

And estrangers to fines, hauing neither present nor future right to the tenements in the fine, but to somthing in, or issuing out of the same, seeme not barrable at all by any such fine or nonclaime. As if a tenant in antient demesne leuie a fine with, &c. at the common Law of his land in antient demesne, the lord in antient demesne may haue his writ of Deceipt, and thereby auoid the fine at any time, and thereupon his tenant shall be restored to the land, because the Lord claimeth not the land, whereof the fine is leuied, but his ancient Seigniorie and seruices issuing out of the same. Plo. 370.b. Sect. 190.

It seemeth such fines doe not barre such Estrangers, as haue Rent, common, way, estouers, nor any such charge out of the land, for it seemeth that these fines extend onely to binde the state, title, right claime, entrie, and interest, in, and to the land, and no profits to be taken out of the lands, nor to take any power giuen to executors or others to sel the land, Br. tit. fines 123.

Pleas to auoid fines.

It is a good plea to say, that I. S. was seised tempore levac', and before the fine leuied, without that, that the parties in the fine had any Sect. 191.

thing

thing therein at the time of the fine leuied, 9 H.4.27. 3 H.6.27.

Or to say, that the parties to a fine had nothing &c. but A.B. whose estate he hath, Et de hoc ponit se super pr̃iam, 33 H.6.18. 26 H.6.f.9. 42 E.3.20. 4.H.4.8. 14 H.4.33. 4 H.7.c.24.

If there be two R.D. of one name, & the one leuie a fine of the land of the other, the other may auoid the fine by pleading, that there be two of one name, and the other R.D. leuied the fine, & not he: And in like maner if any stranger leuie a fine in the name of another, that is owner of the land, 34 H.6.19. Contr̃ ten̄ 19 H.6.44. because it is a matter of record, therefore he hath no other remedie in such case, but an action of deceipt.

Neither parties to fines, nor their heires may pleade in auoydance thereof, that before the leuying, & at the leuying of the same, and since the demandant, or plaintife, or their heires, were alwaies seised of the lands conteined in the fine, or parcell thereof, S̄t de finib° 27 E.1.ca.1. 12 E.4.15. & 19. yet by Fairefax, if tenant in taile, the remainder in fee, leuie a fine sur cognisance de dr̄t come ceo &c. he in the remainder may auerre the continuance of possession, notwithstanding the fine and statute, because he is neither the partie, nor his heire, & so may a feme couert, where her husband sole leuieth the fine, 12 E.4.12.

The issue in taile may auer continuãce of possession against a fine sur cognisance de droit tantū, or surrender, but not against a fine sur cognisance de droit come ceo que il ad de son done, because that fine is executed, and the other executorie, 12 E.4.15. & 19. 11 H.4.85.

Of a writ of Errour.

Sect.192. A Writ of Error to reuerse a fine, lieth where there is Error in any fine, and thereby not the Record of the fine it selfe shall be remoued, but the transcript thereof, vpon which transcript of the note of the fine, the plaintife may assigne his errors: And if the Iustices think, that the point assigned for error, is error, they may send for the note of the fine, and reuerse the same, F.N.f.20.f. As if a baron & feme leuy a fine to an estranger, the feme being within age, they may haue a writ of error to reuerse the fine, for this cause during her nonage, F.N.21.d.27. ass.pl.17. 50 E.3.4. And when a fine is to be reuersed by error, the course is for the plaintife in the writ, to haue seuerall writs of Error, one directed vnto the chiefe Iustice of the Court of Common pleas to certifie the record and proceese of the fine, another vnto the Custos Br. of the same Court to certifie the transcript of the foot of fine, and the third vnto the Chirographer to certifie the transcript of the record and proceese of the fine: the seuerall formes whereof be as followeth.

A writ of Error directed vnto the chiefe Iustice of the Court of Common pleas.

Rex,&c. dilecto & fideli suo Edm. Anderson militi, Salutem. Quia in record & processu,ac etiam in levatione cujusdam finis in Curia nostra coꝝ vobis & sociis vris Iustic' nris de Banco apud Westm̃ in octab. S.Michaelis ultimo preteritis, per breve nostrum de conventione inter I.G.seniorem armig' & M. uxoꝝ ejus, & I.G. juniorem geneꝝ querenꝫ & G.H.deforc',de manerio de G. cum pertineñ. ac de uno mess. 15. cotagiis, quindecim tostis,quatuor horreis, quindecim gardinis, duobus pomariis, ducenꝫ acꝝ terræ, octaginta acꝝ prati, centum acris pasturæ, sex acris bosci,trescentis acꝝ moræ,et communia pasturꝫ pro omnibus averiis cum pertiñ in G.in coñ Eboꝝ levaꝫ,error intervenit manifestꝰ ad grave damnum ipsius G.sicut ex querela sua accepimus. Nos errorem, si quis fuerit, modo debito corrigi, & eidꝫ G. pleñ & celerẽ Iustic' fieri volentes in hac parte,vobis mandamꝰ quod recordum & processum finis predꝫ,cum omnibus ea tangeñ,quæ in custodia vestra existũt,ut dicit,nobis sub sigillo vestro distinctè & aperte mittatis,& hoc breve. Ita qd ea habeamus in Octabis S.Hill', ubicunque tunc fuerimus in Angl' ut inspectis recordo & processu finis prædꝫ ulterius inde pro errore illo corrigendo fieri faciamus, quod de jure & secundꝫ legem & consuetudꝫ regni nostri Angl' fuerit faciendꝫ,&c.

A writ of Error vnto the Custos brevium of the Court of Common pleas.

Rex,&c. dilecto sibi,Tho. Spencer armig', custodi brevium suorum de Banco,salutem, quia in recordo & processu,ac etiam in levaꝫ cujusdꝫ finis in curꝝ nostra de banco apud Westm̃ in Octꝫ S.Mich. ultimo præteritis coram Ed. Anderſ. milite & sociis suis Iustic' nris de banco pdꝫ per breve nostrum de conventione inter,&c.de &c. Vobis mandamꝰ quod transcriptum pedis finis pdꝫ, cum omnibus ill' tangeñ quæ in custodꝫ vra existunt ut dicitur,nobis sub sigillo vestrꝝ &c. ut inspectꝫ transcripꝫ pedis finis pdꝫ ulterius inde,&c.

A writ of Error vnto the Chirographer of fines.

Rex,&c. dilecto sibi, Tho. Crompton Armig' Chirographario suo de banco salutem,quia in recordo & ꝓcessu,ac etiam in levatioñ cujusdam finis in Curia nostra de Banco apud W. in octꝫ S.Mich. ultimo ꝓteritis, coram Ed.Anderson milite, & sociis suis Iustic' nostris de Bãco pdꝫ per breve nostrum de convenc' inꝝ &c.de &c. vobis mandamus qdꝫ transcripꝫ recordi & ꝓcessus finis predꝫ, cum omnibus ill' tangeñ qꝫ in custodꝫ vra existũt ut dicitur,nobis sub sigill' vro distinctꝫ,& aperte mittatis & hoc breve, &c. ut inspectꝫ transcripꝫ recordi & ꝓcessus finis predꝫ ulterius inde, &c.

And note that a writ of Error, is not maintainable by an infant, to reuerse

reuerſe a fine for his Infancy, but during his Infancy, 50 E.3.4.17.E. 3.52.78.27. Lib.Aſſ.53.

For what errors, fines and proclamations be not reuerſable.

No fines or proclamations vpon fines or common recoueries, ſhalbe reuerſable by writ of Error, for falſe or incongruous Latin, razure, interlining, miſentring of any warrant of atturney, or of any proclamation, miſreturning or not returning of the Sheriſe, or other want of forme of words, and not of matter of ſubſtance, 23 Eliz.ca.3.

Of Error in the Proclamation of a fine.

If Error be in the Proclamation of a fine, they ſhall be reuerſed by plea without writ of Error, but that fine neuertheleſſe remaineth of good force ſtill, for they are ſeuerall matters of record, yet if error be in the fine, the proclamations are void, becauſe the fine is the firſt record whereupon the Proclamations depend, and ſublato ſubjecto tollitur ejus accidens, Plo.266.a. Dyer fol.216.pa.54.4.Eliz.

Of a Certiorari.

Sect.193. If a man haue recouered, and before he haue execution, the Records thereof be remoued into the receit or Treaſury, the plaintife may haue a Certiorari out of the Chancery to the Camberlain and Treaſurer, to remoue the tenor of the Record, and proceſſe thence into the Chancery. And when it is there, it may be ſent thence by Mittimus into the Court whence it came, as the Kings Bench, if it came thence: or into the Common place, if it came thence, and there may execution be ſued, 37 H.6.16.

A Certiorari with a Mittimus to remoue a fine, bearing date before the fine come into the Chancery, is good enough, 1 R.3.4.

In a writ of Error to reuerſe a fine, the Record it ſelfe ſhall not be remoued, but the tranſcript thereof, becauſe a record, which commeth into the Kings Bench, ſhall not be remaunded: And if the iudgement be affirmed, there is no Chirog. to ingroſſe the fine, 40 Aſſ. 19.29. Aſſ.43.

Yet 5.Mary it is holden that in a writ of Error vpon a fine, the record it ſelfe ſhalbe certified, ſo that no mo proclamations ſhall be made thereupon, for if it be reuerſed, that endeth all: and if the fine be affirmed, the record ſhal be ſent into the Common place by Mittimus, to be proclaimed and ingroſſed: For if the tranſcript onely ſhould be remoued, they might neuertheleſſe proceed in the common place, B.Tit Rec. 79. Ideo quære.

A Certiorari of the tranſcript of the foot of a fine.

Rex, Theſaurario & Camerariis, ſalutem; Quia quibuſdam certis de cauſis Certiorari volumus, vel volentes certis de cauſis Certiorari, vel quibuſdam certis de cauſis Certiorari, ſuper tenore pedis cujuſd finis levati

levati in curia noſtra, coram Iuſticiariis noſtris dudũ vel ultimo itinerantibus apud N. in com̃ tali per breve noſtrũ, vel in curia dñi Ed. nup regis Angl' avi noſtri, vel patris noſtri, anno regni ſui decimo, &c. corã I. & ſociis ſuis tunc Iuſtic' ejuſdem avi noſtri, vel patris noſtri, de bãco p breve ſuum inſ A. petentem & B. tenenſ, de uno meſſuagio cum ptiñ in N. vobis mandam' qd ſcrutatis pedibus finiũ de eodem itinere tempore p̃dicſ levatorum, vel finium coram p̃fatis Iuſtic' anno p̃d levatorum, qui ſunt in Theſaurario noſtr̃ ſub cuſtodia veſtra ut dicunt, tranſcriptum pedis finis p̃dicſ nobis in Cancell' noſtram ſub ſigillo ſcaccar̃ noſtri diſtinctè & aptè ſine dilatione mittatis, & hoc breve, Teſte, &c.

Rex dilecto clerico ſuo W. ſalutem, volentes certis, &c. ſup tenore notæ cujuſd̃ fines levati, &c. anñ, &c. inter A. petentem, & C. tenentem, &c. vobis mandam' quod, ſcrutatis notis finium penes vobis reſidentium, tranſcr̃ notæ præd̃ nobis in Cancell' noſtram ſub ſigillo veſtro diſtinctè & apertè ſine dilatione, mittatis, & hoc breve. T. &c. Alit' de tenore notæ finis.

Finis levat̃ in curia nr̃a anñ regni nr̃i decimo, coram W. & ſociis ſuis tunc Iuſtic' noſtris de banco per breve noſtrum, inter &c. Alit' coram Iuſtic' nunc de banco.

A Mittimus of the Tranſcript of a fine out of the Chancerie into the Common place.

DOmiñ Rex mand̃ Iuſtic' hic breve ſuum clam̃, in hæc verba, Hen' &c. Iuſtic' ſuis de banco ſalutem, tranſcr̃ pedis cujuſd̃ finis levat̃ in cur̃ domini E. nuper Reg. fil' Regis H. nup Regis Angl' ꝓgenitoris noſtri, coram R. H. & ſociis ſuis tunc juſtic' ipſius ꝓgenitoris noſtri de bãco apud W. per breve ſuum inter G. P. & I. uxor̃ ej' queꝝ & S. P. deforc', de manerio de C. cum pertiñ, nobis in Cancellar' noſtra de mandato noſtro miſſum vobis mittim' præſentibus intercluſ. mandãtes q̃ inſpect̃ p̃d ulterius ad proſecutionem I. L. & M. uxor̃ ejus uni', & T. V. & T. uxor̃ ejus alterius, necnon H. B. tertii conſang' & hered̃ prædicſ G. & I. de corpore ſuis procr̃, fieri facias quod de jure & ſecundum legem & conſuetudinem regni nr̃i Angl' fuerit faciend̃. Teſte meipſo apud W. octavo die I. anno regni noſtri decimo ſeptimo. Tranſcr̃ pedis finis, unde in brevi prædicſ fit mentio, ſequitur in hæc verba: Hæc eſt finalis concordia facta in cur̃ dom̃ Regis apud W. in oct̃ S. Mich. anno, &c. coram R. H. W. B. P. M. W. H. L. T. & H. S. Iuſticiariis, & aliis dom̃ Regia fidelibus tunc ibidem præſentibus, inter G. P. & I. uxor̃ ejus queꝝ per W. F. poſit̃ loco eorum ad lucrand̃ vel predend̃, & S. P. deforc' de manerio de C. cum pertinentiis, unde placitum conventionis ſummoñ fuit inter eos in eadem curia, ſcilicet quod predicſ G. recogñ præd̃ manerꝝ cum pertineñ eſſe jus ipſius S. ut illud quod idem S. habet de dono prædicſ G. & pro hac recogñ, fine & concordia, idem S. con- Sect. 194. Atturney in fine.

concessit prædᵗ G. & I. prædᵗ manerium cū pertinentiis & illud eis reddidit in eadem curia, habendᵗ & tenendᵗ eisdᵗ G. & I. & hæᵗ quos idē G.
Render in taile de corpore ipsius I. procreavit, de prædᵗ S. & heredᵗ suis imperpetuum, reddendᵗ inde per annum unam rosam ad festum Nat. Sct' Ioh. Bap. p̄
omni servitio considerac' & exactione ad prædᵗ S. & heredᵗ suos pertin:
Forein service. Et faciendᵗ inde capital' dominis feodi illius, pro prædict' S. & heᵗ suis
omnia alia servitia, quæ ad illud manerium pertinent: Et si contingat
Rem. in taile. qd̄ p̄d̄ G. obierit sine heredᵗ de corpore ipsius I. p̄creat, tunc post decessum ipsorum G. & I. manerᵗ p̄d̄ cum pertineñ integre remanebit W. fratri ejusdᵗ G. & heredᵗ de corpore suo p̄creat, tenendᵗ de predᵗ S. & heredᵗ suis per predᵗ servitia, sicut prædᵗ est, imperpetuum. Et si contingat quod p̄dict' W. obiret sine heredᵗ de corpore suo p̄creat, tunc post decessum ipsius W. prædᵗ manerium cum pertiñ integre remanebit I. fratri ejusdem W. & heredᵗ de corpore suo p̄creat, tenendᵗ de p̄dict' S. & heᵗ suis p predᵗ servitia, sicut predᵗ est, imperpetuum; Et si contingat, qd̄ p̄d̄ I. obiret sine heᵗ de corpore suo p̄creat, tunc post decessum ipsius I. p̄d̄ manerᵗ cum pertiñ integre remanebit E. fratri ejusdᵗ I. & heᵗ de corpore suo p̄creat, tenendᵗ de p̄d̄ S. & heredibus suis per p̄d̄ servitia, sicut
Reverter. p̄d̄ est, imperpetuum. Et si contingat quod p̄d̄ E. obiret sine herede de corpore suo p̄creato, tunc post decessum ipsius E. p̄d̄ maneriū cum p̄tinentiis integre revertatur ad prædᵗ S. & heᵗ suos, quietᵗ de aliis heᵗ ipsorum G. I. W. I. & E. tenendᵗ de capitalibus dominis feodi illius p̄ servitia, quæ ad illud manerium pertinent imperpetuum.

A Mittimus.

Sect. 195. REx, Iustic' de banco salutem. Mittimus vobis sub pede sigilli nostri &c. *vel sic:* Transcriptum pedis, *vel sic.* Tenorem pedis cujusdam finis levati in curia dom̄ Ed. nuper Reg. Angl' avi nostri anno regni sui decimo, coᵗ W. & sociis tunc Iustic' ipsi' avi nostri de banco apud W. p̄ breve nr̄m, Inter I. querentē, & W. deforc' de tanto &c. quos vel quē coram nobis in Cancellaria nostᵗ venire fecim', vobis mittim' sub pede sigilli nostri, ut in loquela, quæ est corā vobis p̄ breve nr̄m inē I. filiū I. petentᵗ, & E. tenētᵗ, de eoᵈ messᵗ &c. securi' p̄ced. valeatis, &c. T. &c.

A Mittimus for the foot of a fine.

REx Ballivis suis S. salutem. Quia in levatione diversorum finiū coram I. S. & W. W. nuper ballivis ville S. inter W. R. & M. uxoᵗ ejus queᵗ, & W. T. Cappellanum deforc', de oct' messᵗ. &c. & decem solidat redd̄ cum pertineñ in S. Anno, &c. juxta libertates burgensibus villæ predict̄ per chartas progenitorum nostrorum quondam regum Angl' conceſſ. levat̄, error intervenit manifestus, sic per inspectionem tenorum

rum finium predꝯ, nec non recordi & proceſſus levationis eorundꝯ, quæ coram nobis poſtea ad ſectam W.M. & H. W. de S. conſanguineorum & hereꝯ præd M. venire fecimus, nobis conſtat: Et nos in curia noſtra coꝝ nobis, ob errores in levatione finium predꝯ, ac in recordo & proceſſu eorundem compertos, conſideravimus qd pedes finium predꝯ à filaciis finium ꝑdꝯ extrahantur & cancellantur: Et ideo vobis mandamus, quod pedes finium ꝑdꝯ, qui in cuſtodia veſtra exiſtunt, mittatis coram nobis tali die ubicunq; &c. cancel juxta conſid nrã ſupradict'. Et habeatis ibi hoc breve. T. &c.

Error by the heire upon a fine.

Whether any but he which reſerveth a fine, may reape benefit thereby.

If the eſtate conteined in a fine, be once within 5. yeares after proclamations lawfully defeated: That party hath thereby loſt his whole eſtate both againſt him which did reuerſe the ſame, & all others which had right or title paramount, and made no claime within the 5. yeares: Albeit he which brought his action haue not iudgement and execution within 7. yeares after the proclamations, Pl. fol. 358. b. Sect. 196.

In like manner, if there be tenant for life, the remainder for life, the remainder in fee, and the firſt tenant for life alien, and the alienée leaſe a fine with proclamations, and the ſecond tenant for life enter or claim (as he may) he defeateth the fine againſt himſelfe, and him in the remainder alſo, Plo. fol. 359. a. 7. Eliz.

Warrantia Chartæ.

A Writ of Warrantia chartæ, lieth where a man by déed of graunt, feoffement, releas, or confirmatiõ, or fine, or by exchange, bindeth himſelfe and his heires to warrant the land to another, who being tenant of the land is impleaded for the land, or rent out of the ſame, in an Aſſiſe, or writ of Entrie in nature of an Aſſiſe, or in a Scire facias vpon a fine, or in any other action reall, wherein the tenant may not vouch, he may ſue a Warrãtia chartæ, **againſt him and his heires which made warranty. And for a tenant by homage aunceſtrell, or any particular tenant vpon reſeruation of rent, or for egalty of ſeruices vpon partition,** Fitz. Nat. fol. 134. d. f. g. h. Fitz. Nat. 135. c. 31. E. 3. 8. E. 4. 11. Sect. 197.

Rex, &c. qd juſte, &c. warrantizet D. unum meſſuagiũ cum pertinentiis in R. ꝙ tenet & de eo tenere clamat, & unde chartam ſuam habet ut dicit. Et ſi &c. *vel ſic.* Manerium de N. cum pertinentiis, & advocationẽ ejuſdem villæ quæ tenet &c. *uſque ibi*, unde chartam ſuam habet, vel chartam R. patris, vel matris, vel alterius anteceſſoris predicti H. cujus hæres ipſe eſt, ut dicit. Et niſi &c. *vel*

Brieſe de warrantia Chartæ.

De eo quod idem A. warrantizet prefato D. maneria de N. & K. & hundreda de F. & G. cum pertineñ, & advocationem Eccleſiæ de N. & ideo vobis mandamus &c.

But if a man infeoffe another with warranty by déed, and the feoffée infeoffe another, and take eſtate from him in fée, the firſt warranty is determined, becauſe he is now in of a new eſtate, Fitz. nat. folio 135.a.

So if A. diſſeiſe B. and infeoffe C. with warrantie, who infeoffeth D. with warrantie, vpon whom an eſtranger entreth, in whoſe poſſeſſion B. the diſſeiſor releaſeth his right, now all former warranties are extinct: And albeit D. is impleaded, yet ſhall he not haue Warrantia chartæ, becauſe he is in of another eſtate by wrong, Fit. nat. 135.g. 11 H.6. 41. 22 H.6.22.

Releas per Iointenant.

If there be three Iointenants, and the one releaſe to the reſt, they may deraigne the former warrantie by voucher, or Warrantia chartæ, for they be in a third part by the releaſe, 40 E.3.41.

Villenage.

Warrantia chartæ lyeth againſt a villaine, 48 E.3.17.

The writ of Warr̃ chartæ muſt be ſued hanging the principall plea, and before judgemẽt: as of Aſſiſe or Entrie in the nature of Aſſiſe, 48 E. 3.22. Regiſtr̃ orig', fo. 158.a. for then if the warranter doe die, yet the writ ſhall not abate, but his heire ſhall be reſummoned to anſwer vpon the ſame, yet may a Warr̃ chartæ be ſued before he be impleaded, quia timet implacitari, & the pl. ſhall recouer in value ꝓ loco & tempore, of ſuch lãds as the def. had at the purchaſing of the writ, Fitz. na. f. 134. k. 12 H.4.12. 21 H.6.41. 22 H.6.22. 24 E.3.35. But he muſt not haue execution, but if afterwards he be put out by judgemẽt, he ſhal haue his warranty vpon his firſt recouery, 21 H.6.41. 21 H.6.22. 12 H.4.12.

Nontenure.

In Warr̃ chartæ, it is a good plea for the defen. that hanging the plea, the demandant in the principal plée hath entred vpon the plaintife, being then tenant of the land, or that the pl. in this action had nothing in the land the day of the firſt writ purchaſed, nor at any time after, 21 H.6.49. 3 E.3. 45. E.3.5.

Countie.

Warr̃ chartæ may be brought in any County, if the déed beare not date in a place certaine, 31 E.3.

Tenant in common.

Tenants in common may ioyne in Warr̃ chartæ, 28 E.3.90.

Count per Baron & feme ſur fine ove garr̃.

I.H. fil' et hær̃. Iſabel' quæ fuit uxor R. ſum̃ fuit ad reſpond' I.T. et I. uxòri ejus, de placito qd warr̃ eis unum meſuag' cum pertinentiis in S. quod de eo tenet, et de eo tenere clam̃, et unde cartam Iſabel' matris prædict' I.H. cujus heres ipſe eſt habet &c. Et unde &c. die' quod quend' finem levavit in curia dom̃ reg. nunc in oct' S. Hilf ann' &c. coram T.B. et ſociis ſuis tunc Iuſtic' ipſius domini regis de banco, int' ipſos I. T. et I. quer̃, et R. de B. et prædict' Iſabel' adtunc uxor̃ ejus deforc', de meſ. pred' cum ptin' inter alias terras et tenta, per nomen &c. cum ptiñ in S. in com̃ præd', per quẽ finẽ, pred' R. et I. conceſſer̃ ꝓ ſe et hered' ipſius I. quod quatuor ac̃ terr̃ cum pertiñ de præd' tenement', quas

Inter alia per nomen.

Finis de reverſion.

quas G. & M. uxor ejus tenuerunt ad terminum vitæ ipſius M. de hereditaţ p̄d̄ Iſab. in S. p̄d̄, die quo hæc concordia facta fuit, & quæ poſt deceſſum ipſius M. ad p̄d̄ R. & I. & hær̄ ipſius Iſab. reverti debuerunt poſt deceſſum ipſius M. integre remanerent p̄d̄ I. & I. & hered̄ ſuis p̄d̄ tenend̄ ſimul cū præd̄ tenement̄ quæ eis p̄ finē illum remanſerunt, de p̄d̄ R. & Iſab. & hered̄ ipſius I. præd̄ ſervic' ſicut præd̄ eſt, imperpet̄: Et iidem R. & Iſab. ſimiliter conceſſerunt p̄ ſe & hered̄ ipſius I. quod ipſi warr̄ pred̄ I. & I. & hered̄ ſuis pred̄ tenement̄ cum pertiñ ſicut præd̄ eſt, contra omnes homines imperpet̄: Et ſi contingeret quod iidem I. & I. obirent ſine hered̄ de corporibus ſuis exeuntibus, tunc poſt deceſ. ipſorum I. & I. præd̄ tenement̄ cum pertinent̄, ſicut præd̄ eſt integre reverť ad præd̄ R. & I. & hered̄ ipſius I. quieta de aliis hered̄ præd̄ I. & I. tenendum de capitaľ dominis feodi illius, p̄ ſervitia quæ ad pred̄ tenement̄ pertinent imperpet̄, & præd' R. & I. poſtea obierunt, per q̄ ad ipſos I.T. & I. pertinuit habend' de præfaţ I.H. ut fil̄ & hæred' ipſius I. warr̄ ſuam præd', Ac quidam I.R. arraiñ quandam aſſiſam novæ diſſeiſiñ corā T.W. & I. Iuſtic' domini Regis nunc ad aſſiſas in Comit̄ p̄d̄ capiend' aſſigñ, verſus ipſos I. T. et I. de pred' tenementis, & iidem I. T. & I. ſæpius requiſier̄ ipſum I. H. ut fil̄ & hæred' ipſius Iſab. ad warr̄ eiſdem I.T. & I. præd' tenement̄, & idem I. H. tenementa illa ſic warr̄ contradixit & adhuc contradicit, unde dic' quod deterioraţ ſunt, & damnum habent ad valentiam centum libr̄. Et inde producunt ſectam &c. Talle.

I.T. ſum̄ fuit ad reſpond' H.W. de placito q̄ redd' ei uñ meſ. &c. cum pertinent̄ in B. quæ de eo tenent, & de eo tener̄ clam̄, & unde cartam ſuam habet, et unde &c. dic' qd cum præd' I. ſeiſit̄ fuiſſet de tenement̄ præd' cum pertiñ in dominico ſuo ut de feodo, & ſic inde ſeiſit̄ p̄ quād̄ cart̄ ſuam, quam idem H. hic in Curia p̄fert, cujus daţ eſt apud B. tali die, anno &c. dediſſet, conceſſiſſet, & confirmaſſet eidem H. tenementa præd' cum pertiñ, inter alia terras &c. per nomen, ut in carta, &c. habend' eidē H. hered' et aſſigñ ſuis imperpet̄, & obligaſſet ſe et her̄ ſuos ad warr̄ eidem H. hered' & aſſigñ ſuis, teñta pred' cum pertiñ, contra omnes homines imperpet̄: Ac idem H. virtute doni illius, de teñtis p̄d' ſeiſitus fuiſſet in dominico ſuo ut de feodo, quidamq; T. arraiñ verſ. ipſum H. quandam aſſiſam novæ diſſeiſinæ de præd' meſ. et terris cum ptiñ corā I.M. & I. &c. Iuſtic' dñi regis ad aſſiſas in com̄ præd' capiend' aſſigñ, per q̄ idem H. pendente aſſiſa il̄ ſæpius requiſivit præf. I. q̄ ipſe præd' meſ. &c. cum pertin' eidem H. warr̄, et idem I. meſuag' ill̄ &c. eidem H. hucuſq; warr̄ contradixit, et adhuc contradicit, unde dic' &c. et inde produc' ſectam &c. Count ſur fait ouſ gacr̄. Inter alia pos nomen.

Et prædict' I.T. in propria perſona ſua ven', et defend' vim et injur̄ quando &c. et dicit qd ipſe non poteſt dedicere, quin cart̄ prædict' ſit Confeſſion.

factum ipſius I. nec quin ipſe dederit per cartam illam pref. H. tenta ꝑd
Iudgement. cum pertiñ, nec quin ipſe teneat tenta illa eidem H. warrantizare in forma qua idem H. ſuperius verſus eum narravit. Ideo conſ. eſt quod præd I. warrantizaret pref. H. meſſuag' præd & terr cum pertiñ, ꝑ loco & tempore &c. Ideo idem I. in mia &c.

E. W. generoſus ſum fuit ad reſpond I. B. generoſo, & E. B. fil ſuo, de placito qd warrantizet eis 6. meſſuag', 3. gardina, &c. 3. pomaria cum pertiñ in Civitate B. quæ tenet & de eo tenere clam, & unde cartam ſuam habent &c. Et unde iidem I. & E. per H. C. atturnat ſuum dic', ꝙ cum ꝑd F. nuper ſeiſitus fuiſſet de tenꝰ ꝑd cum pertiñ in dominico ſuo ut de feod, Et ſic inde ſeiſitus exiſtens, quẽdam finẽ levavit in Cur dñi regis nunc hic ſcilicet apud Weſt. in Octab. Sancti M. anno regni dñi dñi regis nunc ſcdo, coram I. D. H. B. A. B. & R. W. Iuſtic', Et poſtea à die Paſchæ in 15. dies anno regni ejuſd reg. 3. ibid conceſſ. & recordat coram eiſdem Iuſtic' & aliis dicti dñi reg. fidelibus tunc ibi præſentibus, inter pred I. & E. quer, & præd F. deforc' de tenꝰ præd cum pertiñ unde placitum conventionis ſum fuit inter eos in eadem Curia, ſcilicet qd præd F. recogñ ten præd cum pertiñ eſſe jus ipſius E. ut ill quæ iidem E. & I. adtunc habuer de dono pred F. & ill remiſ. & quiete clam de ſe & heredibus ſuis, præd I. & E. & hered ipſius E. imperpetuum: Et preterea iidem F. conceſſit pro ſe & heredibus ſuis, quod ipſe warrant pred I. & E. & hered ipſius E. ꝑd tenementa cum pertiñ contra omnes homines imperpetuum: Qui quidem finis in forma ꝑd levat, habit & levat fuit ad opus & uſum eorundem I. & E. & hered ejuſd E. imperpetuum, Cujus prætextu, iidem I. & E. fuer ſeiſit de eiſdem tenement cum pertineñ, vix idem E. in dominico ſuo ut de feodo, ac præd I. in dominico ſuo ut de libero tenemento: Et ſic inde ſeiſit exiſteñ quidam H. O. coram majore & vic' villæ ꝑd, die lunæ, videlicet, 28. die Apriſ, anno regni dicti domini Regis nunc quarto, apud Guilhaldam Civitatis præd arraiñ, quandam aſſiſam friſce forcie ſecund conſuetud Civitatis illius, in natura aſſiſæ novæ diſſeiſinæ ad communem legem, verſus eodem I. B. & E. de tenement pred cum pertiñ, per qd iidem I. & E. pendeñ aſſiſa illa, ſæpius requiſiverunt præd F. quod ipſe tenement prad cum pertiñ eiſd I. B. & E. & hered ejuſdem E. imperpetuum warrantizet. Et idem F. tenementa illa cum pertiñ eiſdem I. & E. hucuſque in forma prædicta warrantizare contradicit, unde dic' quod deteriorat ſunt, & damnum habent ad valenc' ducentarum librar, & inde produc' ſectam &c.

Et pred F. in propria perſona ſua veñ & defend' vim & injuriam quandam &c. & dic' quod ipſe non poteſt dedicere actionem prædict' I & E. prædict', nec quin finis præd in forma ꝑd levat fuit, nec quin ipſe per finem illum teneatur ad warrantizand teñ ꝑd cũ ꝓtiñ ꝑf. I. & F.

&

E. & hered' ipſius imperpetuum, in forma qua iidem I. & E. ſuperius verſus cùm narraver̄; Ideo conſider̄ eſt q̄ pred' F. warrantizet pref. I. & E. & hered' ipſius E. imperpetuum, tenement̄ pred' cum pertin' ꝑ loco & tempore, &c. Et nihil de mia pred' F. quia ven̄ prim̄ die per ſuū, &c. M. 8. & 9. El. Reg. Rot. 1822.

W. C. armig' ſum̄ fuit ad reſpōd' E. B. gener̄, de pl', qd warrātizet ei quinquaginta & quatuor acr̄ ter̄, quadragint̄ acr̄ paſturæ, & ſex acr̄ boſci cum pertinentiis in E. quas tenet & de eo tenere clamat, & unde cartam ſuam habet, &c. Et unde idem F. in propria perſona ſua dic', qd cum ipſe ſeiſit' fuiſſet de pred' tenīs cū pertin' in dominico ſuo ut de feodo, (& ſic inde ſeiſitus exiſtens) pref. W. per nomen W. C. de I. in com̄ N. alias dict' W. C. de W. in com̄ Suff. armig' x. die I. añ reg' dn̄æ Reginæ nunc 13. per quoddam ſcriptū ſuum, q̄ idem E. ſigill' præd W. ſignat' hic in curia profert, cujus datum eſt ei ſdem die & anno, recitād' per idem ſcript̄ q̄ cum idem W. C. per nomen W. C. de I. in Com̄ N. alias dict' W. C. de W. in com̄ S. armig', ſimul cum fratre ſuo C. C. de Lincolnes Inne in com̄ Middl' gen', per quandā Indent̄ inter pref. W. & C. ex una parte, & E. B. de Lincolnes Inne pred' generoſ. ex altera parte confect̄ gereñ dat' x. die F. anno regni Eliz. dei gratia, Angl', Fr̄, & Hib. Reg. fidei defenſoris, &c. decimo, barganizaverit & vēdiderit prefat. E. totum ſtatum & intereſſe ſua, de & in illis parcell' terræ continen̄ per eſtimationē ſeptē acr̄ ſive plus ſive minus inde habeatur, jaceñ & exiſteñ in parochia de E. in com̄ K. modo, vel nuper in tenura vel occupatione cujuſdā W. S. vel aſſign̄ ſuorum, quorum quidem parcell' unde parcell' vocat̄ little S. alias dict. Q. & contineñ per exiſtimationē ſex acr̄, ſive plus ſive minus inde habeat̄, habend' & tenend' omnia prædict̄ terras, et omnia alia præmiſſa, cum omnibus & ſingulis ſuis pertineñ pref. E. B. hæred' & aſſign̄ ſuis ad ſolum et proprium opus et uſum ipſius E. B. hæred' et aſſign̄ ſuor̄ imperpetuum, prout per præd' Indent̄ pleni' apparet, cumq; etiam idem W. poſtea per nomen W. C. de I. in Com̄ N. armig' alias dict. W. C. de W. in Com̄ S. arm̄ ſimul cū pred' frat̄ ſuo C. C. de Lincolnes Inne in Com̄ M. geñ per quandam Indenturam inter pref. W. C. ex una parte, et pref. E. B. de Lincolnes Inne in Comit̄ M. generoſ. ex altera parte, confect', gerent̄ dat̄ 19. die Octob. anno regni Eliz. Dei gratia, Angl', Franc', et Hiberniæ Reginæ fidei defenſoris, &c. decimo, etiā barginazaverit, et vendider̄ pref. E. omnia terras, boſcos, et terras boſcales ac cetera hæreditamenta ſubſcript̄, per quodcunque nomen ſeu quæcunque nomina vocat̄, reputat̄, ſeu cognit̄, viz. omnia illa ter̄ vocat̄ S. alias dict. Q. alias dict' Great M. and the Broome, alias dict' S. and the Broome, ac omnia alia terras et hereditamenta quæcunque continen̄ per eſtimationem quindecem acr̄ ſive pl' ſive min' inde hēat̄ per quodcunque nomen ſeu per quæcunq; noīa

eadem ſint voc', reputat ſeu cognit, modo vel nuper in tenura vel occupatione ejuſd T.B. ex dimiſſione cujuſdam J.C. de I. pred armig' adtunc nuper defunct' quæ quidem parcel jacent & exiſtunt in E. in com K. ac omnes illas terr modo vel nuper in tenura vel occupatiõ cujuſd P.W. de E. in pd com K. jacen' & exiſten' in E. pred ration cujuſd dimiſſion' eid P. fact' p pf. I.C. contin' p eſtimation' quinq; acr, ſive pl' ſive min' inde habeat, ac etiam ones ill ter modo vel nup in tenura vel occupac' cujuſd I.I. ex dimiſſion' pf. I. C. eid I. I. fact', contin' p eſtim quadraginț & octo acr ſive pl' ſive min' inde hēat, jacen & exiſten in diverſis ſeparalib' pcel in E. pd unde quæd pcel ſunt voc' ſeu cognit p nomen de P. alias dict' B. quæd aliæ parcel inde ſunt voc' ſeu cognit per nomen de R. quædam alia parcel inde ſunt voc' ſeu cognit per nomen de S. Dane: Ac etiã oĩa ill' boſc' & terr boſcales infraſpec', viz. E.W. contin' p eſtim duas acr ſive pl' ſive min' inde hēat, le woodland jacen apud Knowel gate in E. pred, contin' per eſtim 3. rodas ſive plus ſive min' inde habeat, S. contin' per eſtim tres rodas ſive plus ſive min' inde hēat, L. alias dict' K. contin per eſtim unam acr & 3. rodas, ſive pl' min' inde habeat, quæ oĩa ſunt jacen' & exiſten in E. pd habend & tenend oĩa pd terras boſcos & terras boſcales ac oĩa alia premiſſa cũ oĩbus & ſingulis ſuis ptin' pf. E.B. her & aſſign ſuis, ad ſolum & proprium op' & uſum ipſius E. B. hær & aſſign ſuorum imperpet, Cumque etiam idem W. ſimul cum pf. C. fratre ſuo poſtea ſc. in cur dict' dñæ Reg. hic apud Weſt. in oct' S.M. añ reg. dictæ dñæ reg. undecimo in ptem compleṁti quarund conceſ. & convẽc' in pd Indentur ſpecificat, recogn' oĩa pd terr boſcos & hered cum ſuis ptin', per nomen five nomina 54. acr terr' 40. acr paſturæ, & 6. acr boſci cum ptinen' in E. pd, eſſe jus pd E.B. ut ill q idem E. adtunc habuit de don pd W. & pf. C. fratris ſui, & ill adtunc remiſerit & quiet clamavit de ſe pf. W. & her ſuis, pref. E. & hered ſuis imperpet, & pred W. per idem ſcript hic in cur plat adtunc approbavit, ratificavit & confirmavit eidem E.B. adtunc in ſua plen & pacifica poſſeſſion & ſeiſina pmiſſ. exiſten' totum jus, titulum, ſtatum, & intereſſe ſua de & in pmiſſis, quæ oĩa terr pred, paſtur, boſc' terr boſcales, & ceter oĩa & ſingula pmiſſa cum oĩb' & ſingulis ſuis ptin', pref. E. hær' & aſsign' ſuis, ad ſol & propriũ op' & uſum ipſius E. hær & aſsig. ſuorum imppetuum. Et inſup pd W. C. p ſcript illud obligaſſet ſe & hær ſuos, ad warr eid E. her' & aſsign ſuis imppetuum, omnia pred ter paſtur boſcos, & terras boſcales, ac cetera oĩa pmiſſa cum ſuis pt contra oẽs hoĩes imppetuum, put per pred ſcript hic in cur plat pleni' appareat, Et idem E. dic' q pd ten in brevi pd ſpec', ſunt ead tenta in pred. ſcript hic cur plat mencion, & non alia neq; diviſa, ac quid H. R. ipſo E. de tentis pd cum ptin in form pd ſeiſit exiſten, in curia hic ꝓſecutus eſt verſus ipſum E.B. quoddam breve dñæ Reg. de ingreſſu ſup diſſeiſin

in

in le quibus de tenẽtis p̃d̃ cum pertiñ. per quod idem F. pendente brevi illo ſæpius requiſivit pref. W. C. quod ipſe tenta cum pertin' eidem E. hucuſq; warrantizaꝛ & eidem W. p̃d̃ tenta cum pertin' eidem E. hucuſq; warrantizaꝛ contradixit & adhuc contradicit, unde dicit quod deterioraꝛ eſt & damnum habet ad valentiam treſcentarum librarum, & inde producit ſectam, &c.

Et p̃d̃ W. C. per T. B. Atturn' ſuum ven' & defend̃ vim & injuriam quando, &c. & dicit quod ipſe non poteſt dedicere actionẽ p̃d̃ E. p̃d̃ nec quin p̃d̃ ſcript̃ hic in curia ꝓlaꝛ, ſit factum ipſius W. C. nec quin ipſe per idem ſcript̃ confirmavit pref. E. tñta pred. cũ pertin', nec quin ipſe p̃d̃ W. per ſcriptum illud teneatur teñ̃ p̃d̃ cum pertin' eidem E. warr̃, in form̃ qua idem E. ſuperius verſus eum narravit, Ideo conſ. eſt quod pred̃ W. C. warrantizet pref. E. ten̄ p̃d̃ cum p̃t̃ ꝓ loco & tempore, &c. Et nihil de Mia ipſius W. quia ven' prim̃ die per ſum̃ &c. Hilꝛ 13. El. Ro fiat ſimilis intratio vers. C. C. mutaꝛ mutandis F. W. gen' ſum̃ fuit ad reſpond̃ W. R. de p̃ꝛ q̃ warr̃ ei octo meſſuag', ſex gardina, tria pom̃, quatuor acꝛ terr̃, ſex acꝛ praꝛ, & duas acꝛ paſtuꝛ cum pert̃ in B. & B. q̃ tenet, & de eo tenere clamat, & unde terram ſuam habet, &c. Et unde idem W. per W C. atturn' ſuum dic' q̃ pred. E. nuper fuit ſeiſitus de teñtis pred. cum pertin' in dominico ſuo ut de feodo, & ſic inde ſeiſitus exiſtens idem F. 19. die S. an' Reg. dñæ Reg. nunc 25. apud B. pred̃ per quandam cartam ſuam, q idem W. R. ſigillo pred̃ F. ſignaꝛ hic in Curia ꝓfert, cujus daꝛ eſt eiſdem die & anno, dedit & conceſſit tenem̃ pred̃ cum pert̃ pref. W. R. h̃end̃ ſibi & her' ſuis imperpetuum, & alteri' pred̃ F. per cartam pred̃ tenement̃ pred̃ cum pertin' eidem W. & hæred̃ ſuis contra omnes homines waꝛ ꝓut per cartam illam plen' apparet; virtute quorum quidem don' & conceſſ. idem W. fuit & adhuc eſt ſeiſit̃ de ten' pred. cum pertin' in dominico ſuo ut de feodo, & ſic inde ſeiſit̃ exiſtens, quidam D. D. arrain' verſus ipſum W. quandam aſſiſam novæ diſſeiſinæ de pred̃ teñtis cum ptin' coram I. C. uno baron' Scacc' dom̃ reg. & F. R. uno ſervien' ipſius dom̃ reg. ad legem Juſtic' ejuſdem dñæ reg. ad aſſiſas in com̃ pred̃ capiend̃ aſſign' p̃ formam ſtatut̃ &c. per q̃ idem W. R. pend̃ aſſiſa illa ſæpius requiſivit pref. F. qd ipſe pred̃ tenement̃ cum pert̃ eid̃ W. warr̃ & idem F. ten̄ illa cum pertin' eid̃ W. hucuſque warr̃ contradixit & adhuc contradicit, & unde dic' qd deterioraꝛ eſt & damnum habet ad valentiam centum librarum, & inde produceꝛit ſectam, &c.

SYMBOLEOGRAPHY,

Of Recoveries for assurances, &c. called *common, or feigned Recoveries.*

In euerie Recouery are to bee regarded the demandant, the Tenant of the land, and the vouchée, as the efficient causes thereof. The land demanded, as the matter, which must as certainly bee set downe in Writs of Entre, as in writs of Covenant, whereupon fines are leuied. The end and effect of such recoueries, is to discontinue and destroy estates tailes, remainders and reuersions, and barre the former owners thereof.

The demandant is he that bringeth the Writ of Entre, and may be termed the recoueror.

The tenant is he against whom the Writ is brought, and may be termed the recouerée.

The vouchée is he whom the tenant voucheth, or calleth to warrantie for the land in demand.

And such persons may be demandants, tenants, and vouchées, in these recoueries, as may be cognisors and cognisees, in Writs of Covenant, and by such names, Mutatis mutandis. Sauing that if any recouerie be had against any tenant in taile, the reuersion or remainder being in the King, of the gift of the King, or of any of his Majesties progenitors, Kings of England: such recouerie will neither barre the issue in taile of his Entry, nor discontinue his estate, nor pluck such reuersion or remainder out of his Maiestie, 34 H.8.c.20. Quære tamen si tiel recoverie barre lissue in taile, during the continuance of the estate taile, Dyer fol.132.pl.1.

Item, before such persons, by such meanes, and in such manner may warrants of Atturney be knowledged and certified, as fines knowledged in the Countie: saving that the recognisance of warrants of Atturney may be taken by any Justice or Serjeant, without a Writ of Dedimus potestatem. And fines must be paid vpon Writs of Entre, as vpon Writs of Covenant. And all such Writs of Entre, must be signed by the Kings Atturney before they can be sealed.

In a recouerie with double voucher, the fine must be sued first, to make him tenant at the time of the Writ of Entre brought, for euery Writ of Entre must alwayes be brought against him that is tenant of the freehold of the land demanded at the time of the Writ brought. 18 R.2. & Dyer fol.252.pla.98. for that, that the estate of the Tenant in

in taile which is vouchée, is barred in respect of the assets only, which is, or may be recouered in value, Plow. Bassets vers Manxel fol. 11. a. and of execution sued by the tenant against him.

And if the tenant haue but an estate for life, or in dower, or by the curtesie: then to haue a good recouery thereof, it is méet that such tenant make a conditionall surrender of his estate to him in the reuersion, or remainder, to the end he may be a perfect tenant of the inheritance, and then to bring the writ of Entre against him: and after that the recouery is executed, the particular tenant for breach of the condition may enter and enjoy his terme notwithstanding such surrender.

See the like surrender in the Chapter of Surrenders, in the first part of Symboleography.

Of what things writs of Entre *may be brought, and by what meanes.*

Sect. 2.

PRæcipe quod reddat lyeth, de uno acra terræ aqua cooperte, vel de acr̃ terr̃ 12 H.7. fol. 4. de gurgite 10 E.3. & 14 Ed.3.842. Fi. na. br. fol. 191. h. Et de passagio ultra aquam Fit. na. br. fol. 191. i. de balliva 34 Ed.3.423. de officio 27 H.8. fol. 12. de advocac' Eccl', aut de quarta parte decimar̃ 34 Ed.3. de porcion̄ decimarū Dyer fol. 84. pla. 83. de quadam parcella terræ, Dyer fol. 84. pla. 83. de custod̃ terræ & hered̃, sive custod̃ terræ, Regist. 161. 22 Ed.3. fol. 19.

Præcipe quod reddat lyeth of all manner of Ecclesiasticall or Spirituall profits: ut de rectoria, vicaria, porcionibus, pencionibus, decimis &c. per statut̃ 32 H.8. c.7. de omnibus, & omnimodis decimis major̃ mixtis & minutis infra villā sive hamlet̃ de B. in paroch' de A. quoquo modo crescent̃, contingen̄, ac annuatim renovan̄, &c. Thel. li. 8. c. 9. S. 2. de quarta parte decimar̃ et oblationum Eccl' sanct' P. &c. 16. Ed. 3. de quad̃ porcione decimar̃, or terræ, not shewing how much, 1. H.4. fo. 1. Dyer fo. 84. pl. 83, 84, 85, & 86. In old time de hida terræ, p Glanvile de caruca terræ, 4. E.3. 161. de bovat̃ terræ, 6. Ed. 3. 291. de sex pedib' ir̃æ in longitudine, & quatuor pedibus in latitud̃ 14. Ass. 13.

A Precipe quod reddat lyeth de tosto et situ molendini 14. Ed. 3. de hundredo de C. & ballivā de B. 34. Ed. 1. 3. Ed. 3. de past. ad sex boves, 3. Ed. 3. f. 23. 4. E. 2. de roda terræ, 3. E. 5. de advocatione 34. E. 1. de quadam portione terræ, 11. H. 4. f. 40. 5. H. 7. f. 9. de medietate unius rodæ terræ, 41. E. 3. de shopa, Regist. f. 3. a. de 4. acr̃ alnet̃ 11. Ass. 13. de turbar̃, by the name of Moræ, 8. Ed. 3. f. 387. and it lyeth in a Town and not in a Hamlet, 8. E. 3. f. 55. 7. E. 3. 9.

Of

Of what things a Writ of Entry lyeth not.

Sect. 3. PRecipé q̄ reddat lyeth not de foſſato nec de ſtagno, nec de piſcaria 8. E. 3. 381. nec de advocatione decimarum unius carucat̄ terræ, Reg. f. 29. nec de communia paſt. 27. H. 8. f. 12. de eſtoveriis 2. E. 3 de homagio & fidelitat̄, nec de ſervitiis faciendis, 6. E. 2.

A Precipe qd redd̄ lyeth not d̄ bovat̄ mariſci 13. E. 3. f. 3. de ſelione t̄r̄, E. 1. for the incertainty, becauſe a Selon, which is a land, ſometime containeth an acre, ſometime half an acre, ſometime more, and ſometimes leſſe. It lyeth not of a garden, cottage, or croft, 14. Aſſ. 13. 8. H. 6. 3. 22. E. 4. 13. de vergata terræ, 41. 43. 13. E. 3. de fodina, de minera, de mercatu, 13. E. 3. for they lie not in Demeſne but in Gaine, nec de ſuperiori camera, 3. H. 6. fo. 1.

A writ of entry ought not to contain one ſelf thing twice, as a meſſuage, and a houſe parcell of the ſame meſſuage, 2. E. 4. f. 28. 76. E. 3. fo. 26. Nor to name a town and a hamlet within the ſame towne, 22. E. 3. f. 14. 41. E. 3. f. 22.

In euery Warrant of atturny it is good to put two atturnies at the leaſt for feare of death.

In a County Palatine, as Lancaſter, Duriſme, Cheſter, &c. may be put in a warrant one Atturny, and one of the Juſtices Clarks.

If the writ of Entry be returnable Craſtiñ Martiñ, the writ of Summons ad warr̄ thereupon muſt beare Teſte from the returne of Craſtiñ Martiñ, and be returnable nine returnes after the returne of the Writ of Entre inclusive; that is, accounting Craſtino Martini for one of the nine returnes, and ſes Paſchæ, which is the ninth returne after Craſtino Martini, for another, and the Teſte of the Writ of Seiſin muſt be the day of that ninth returne, and be returnable 15. dayes after. Then the writ of Seiſin may be returned, that ſeiſin was deliuered by vertue thereof to the demandant, by the Sheriſe of the County where the lands lye, vpon any day (not being Sunday) betwéen the Teſte and the return of the ſaid writ of Seiſin. Then the Writs of Entre, Summons, and Seiſin muſt be returned and filed with Cuſtos brevium, and the judgement entred by the Prothonotary, and the warrants of Atturney by the Clarke of the Warrants.

If a ſingle recouery and a fine be againſt the tenant, the Writ of Entre muſt beare date and Teſte before the writ of Covenant, and be returned before.

If a writ of Covenant be brought againſt the tenant, and a writ of Entre againſt the demandant: then the Writ of Covenant muſt beare date, and be returned before the writ of Entre, and this is called a double voucher.

A Certiorari to the executor of the Iuſtice, before whom the warrants were acknowledged.

ELiz. Dei gratia Angl', Franc', & Hiberñ, Regñ, fidei Defenſor, &c. dilecto ſibi I.R. armñ executori teſtamenti Fr. R. nuper unus Juſtic. noſtrorum de Banco ſalutem. Volentes certis de cauſis certiorari tam ſuper quodam warr' atturñ p quod H. S. poſuit loco ſuo W. B. & R. C. conjunctim & diviſim verſus R. P. alias W. & R.H. de placito terr' in comitatu E. q ſuper quodam alio warrant' atturñ per quod H.L. & I.L. quos pred. H.S. voc' ad warrant', poſuerunt locis ſuis A.B. & F. R. conjunctim & diviſim verſ. pred' R.& R. H. de pl' terræ in dicto comit' E. per p̃f. F.R. nuper capt', ac in cuſtod' tua ratione executionis teſtamenti pred' exiſten, ut dicitur. Tibi præcipimus quod warr' pred' Juſtic' noſtris de banco apud Weſtm̃ ſub ſigillo tuo diſtincte & aperte ſine dilatione mittas & hoc breve, ut iidem Juſtic' inſpect' warrant' pred' ulterius in quodam brevi noſtro de ingr' penden coram p̃f. Juſtic' noſtris apud Weſtm̃ inter p̃f. R.& R.H. & pred' H.S. de uno meſſuag.&c. cum pertinentiis in T.& D.in comit' predicto, & pro ceſſ. inde fieri facias, quod de jure, & ſecundum conſuetudinem regni noſtri Angl' fuerit faciend'. T. meipſa apud Weſtm̃ 29. die Novemb. Anno regni noſtri 34. Sect. 4.

It is returned thus:

Reſponſ. infranominati I.R. ad hoc breve.

Execuc' iſtius brevis patet in quadam ſcedula huic brevi annex'.

Ebor. ff. Prec' H.S. quod juſte, &c. Redd' R. P. alias W. & R. H. unum meſſuagium, &c. cum pertinentiis in T.& D. qd clam̃ &c.

Ebor. ff. H.S. po.lo. ſuo W. B. & R.C. conjunctim & diviſim verſus R. P. alias W. & R.H. de pl' terr'.

Ebor. ff. H. L. & I. L. quos H. S. voc' ad warr' po. lo. ſuo A. B. & F. R. conjunctim & diviſim verſus R.P. alias W.& R.H. de placito terræ.

Capt & cognit' apud W. in com̃ C. xvii. die Febr'. anno regni Dom̃ Eliz. &c. 34.

I. R.

A Recovery with ſingle voucher.

Ebor. ff. PRec' G.C. armñ, qd juſte, &c. redd' R.C. & R.I. unum meſſuagium, & quatuor acras terr' cum pert' in T. q̃ clam̃ &c. Et in q̃, &c. Et niſi, &c. Sect. 5.

G.C. po.lo ſuo N.M. & M.M. attorñ ſuos conjunctim & diviſim verſus R.C. & R.I.

A

A Recovery with double voucher.

Sect. 6. *Derby ff.* PRec' N.L. & M.uxori ejus, quod juſte, &c. redd' T.S. & T. C. maneria de N.M. & P. cum pertiñ, ac 30. meſſ. 30. toſta, 5. molendina, 30. gardiñ, 30. pomaria, 1000. ac' ter', 1000. ac' prati, 50. ac' paſtur', 40. ac' boſci, 1000. ac' moræ, 200. ac' jampnor' & bruere, & 3. libras reddit' cum pertiñ in N.M. P.P. & B. quæ clam' eſſe jus & hered' ſuam, & in quæ idem N. & M. non habet ingreſſ. niſi poſt diſſeiſinam quam H.H. injuſte et ſine judicio fecit p̄f. T. & T. infra 30. Annos jam ultimo elapſos, &c. ut dic', unde que', &c. Et niſi, &c.

Derby. ff. N.L. & M. uxor ejus po:lo: ſuo, T.B. et W.B. attorñ ſuos conjunctim & diviſim verſus T.S. & T.C. de placit' t̄r' ad lucrand' vel perdendum.

Derby. ff. W.B. et T.F. quos N.L. et M. uxor ejus vocant ad Warr', po: lo: ſuo, P.P. & Q.Q. attorñ ſuos conjunct' et diviſim verſus T.S. et T.C. de placit' terre ad lucrandum vel perdendum.

A Recovery with treble voucher.

Sect. 7. *Eſſex. ff.* PRec' R.B. et C.S. quod juſte, &c. reddant A.T. armiger', maner' de B. & Q. cum p̄tiñ, ac 20. meſſu', duodecim toſta, quatuor columbar', mille acr' terræ, cent' ac' prati, centum ac' paſtur', C.C. ac' jampnor' & bruere, cent' ac' moræ, et triginta ſolid' & unum ob' reddit', ac reddit' unius libræ et dimidii piperis, & unius grañ piperis cum pertiñ in B. et Q. Ac liberam piſcariam in aqua de W. necnon advocac' eccleſ. de B. quæ clam, &c.

Eſſex. ff. R.B. et C.S. po:lo: ſuo, W.W. et R.R. attorñ ſuos conjunctim & diviſim verſus A.T. de placito terræ.

Eſſex. ff. M.M. geñ quem R.B. et C.S. vocant ad warrañ po:lo: ſuo, I.L. et L.L. attorñ ſuos conjunct' & diviſim verſus A.T. de placito terræ.

Eſſex. ff. G.W. geñ quem M.M. voc' inde ad warrant' po:lo: ſuo, R.G. & R.S. attorñ ſuos conjunct' et diviſim verſus A.T. de plac' t̄r'.

A Recovery of advowſon in the County Palantine of Cheſter.

Sect. 8. PLacita apud Ceſtr' coram R.T. milit' Juſtic' dñæ Reg. apud Ceſtr' de Seſſione tent' ibid' die Lunæ ultim' die Septemb. anno regni Eliz. dei gratia Angl', Franciæ, & Hiberñ Reg fidei defenſor', & in ter' Eccleſ. Anglican' & Hiberñ ſupremi capitis 35.

Cheſtr. ff. H.S. armig' p T.B. attorñ ſuum, petit verſus H.G. armiger' advocationem Eccleſ. de T. quam ei injuſte deforc', &c. Et unde dic' quod

quod ipſimet fuit ſeiſitus de advocac' Eccleſiæ p̄d̄ ut de feodo & jure infra 30 annos jam ultimo elapſos, tempore pacis, tempore dñi Reg. nunc & ſic inde ſeiſit̄ eodem tempore ad eandem Eccleſiam preſentavit quendam R.A. Clericum ſuum, qui ad p̄ſentationem ſuam fuit admiſſus, inſtitutus, & inductus in ead̄: Capiendo inde explec' ut in groſſis deciꝫ, minutis deciꝫ, oblationibus, & obventionibus ad valenc' &c. ut de jure Eccleſ. ſuæ p̄d̄ &c. Et q̄ tale ſit jus ſuum offert, &c.

All the parts of a Recovery in a Writ of Right de Præcipe in Capite *exemplified.*

IAcobus Dei gratia, &c. Omnibus ad quos preſentes literæ patentes pervenerint ſalutem. Sciatis quod I. Comes S. in Curia noſtra coram Juſticiar̄ noſtris apud Weſtm̄ per breve nr̄m de Recto de Præcipe in capite, petiit verſus T.B. ſenior̄ & I. uxor̄ ejus maner̄ de C. cum pertiñ, ac unum meſſuag', 50 ac̄ terræ, 50 ac̄ prati, &c. cum pertiñ in C. B. & H. juxta T. ut jus & hered̄ ſuam: Quod quidem breve una cum retorn̄ ejuſdem, ac placitum ſuper idem breve cum omnibus aliis placitum illud tangentibus ſequitur in hæc verba. Sect. 9.

Jacobus Dei gratia, &c. Vicecom̄ Heref. ſalutem. Præcipe T.B. ſeniori, & I. uxori ejus, q̄ juſte & ſine dilatione reddant I. Comiti Salop̄ manerium de C. cum pertiñ, ac unum meſſuag' &c. cum pertiñ in C.B. & H. juxta T. quæ clamat eſſe jus et hered̄ ſuam, et tenere de nobis in capite. Et unde queritur q̄ p̄d̄ T. & I. ei injuſte deforceant. Et niſi fecerint, Et p̄d̄ Comes fecerit te ſecur̄ de clamore ſuo p̄ſequen', tunc ſum̄ p bonos ſummon̄ p̄d̄ T. & I q̄ ſint coram Juſtic' noſtris apud Weſt. à die Paſch. in quindecim dies, oſtenſ. quare non feceꝝ. Et habeas ibi ſum̄, & hoc breve. Teſte meipſo apud W. 2. die Apriſ, Anno reg. noſtri tertio. Le brieſe.

Pleg' de proſequend̄ R.D. & I.R.

* Reſponſio I.S. Militis Vicec' : Summ̄ T. B. & I. uxor̄ ejus infraſcripti H.F. et R.L. Returne inde.

Placit̄ apud Weſt. coram I.P. et ſociis ſuis Juſtic' dñi Reg. de banco de termino Paſchæ anno Reg. &c. 3. Rotulo C.C.

* Heref. ſſ. Joh. Comes Salop̄ p I.S. Atturn̄ ſuum pet̄ verſus T. B. ſen̄ et I. uxor̄ ejus, maner̄ de C. cum pertiñ, ac unum meſ. &c. cum p̄tiñ in C.B. et H. juxta T. p breve dom̄ Reg. de precipe in capite, &c. Le dd.

* Et unde dicit q̄ ipſemet fuit ſeiſitus de maner̄, meſſuag', terris, &c. cum pertin', in dominico ſuo ut de feodo et jure tempore pacis tempore dom̄ Reg. nunc capiendo inde explec', ad valentiam, &c. Et quod tale ſit jus ſuum offert, &c. Le Count.

* Et p̄d̄ T. et I. per W. B. Atturnatum ſuum, veneꝝ et defendunt jus Le defend.

p̄d̄

prædᵉ Comitis et ſeiſinam ſuam, & maxime de manerᵛ, meſ. &c. ei warrᵗ &c. et ſuper hoc predᵉ Comes petit verſus ipſum W. P. manerᵛ, meſuagium, &c. cum pertiñ in forma predᵉ &c. Et unde dic' qd ipſemet fuit ſeiſitus de predᵉ manerio, meſuag' &c. cum pertiñ in dominico ſuo ut de feodo & jure, tempore pacis, tempore dñi regis nunc capiendᵉ inde explec' ad valentiam &c. Et quod tale ſit jus ſuum offert &c.

Ledᵈ.

Le defence.

* Et predᵉ W. P. tenens per warrᵗ ſuam defendit jus predᵉ Comitis et ſeiſinam ejus & maxime de manerᵛ, meſuag', terris &c. cum pertin' et totum &c. Et ponit ſe inde in magnam aſſiſam domᵉ reg. et petit recog' fieri utrum ipſe majus jus habeat tenendᵉ manerᵛ, meſuag', terrᵛ, &c. cum pertiñ, ut tenens p̄ warrantᵗ ſuum, ut ea tenet, an predᵉ Comes habendᵉ manerᵛ, meſuag', terras &c. cum pertiñ, ut ea ſuperius petᵗ &c. * Et predᵉ Comes petit licentiam inde interloquendᵉ &c. Et habuit, &c.

Iſſue ſerra le graund aſſiſ.

Li.lo.

Default & Judgement.

* Et poſtea idem Comes per Atturnatum ſuum predict' reveñ hic in Curia, & pred' W. P. licet ſolemniter exact', non reven', ſed in contempt̄ Cur̄ defaltam fec'. Ideo conſideratᵗ eſt qd predᵉ Comes recuperᵗ ſeiſinam ſuam verſus predᵉ T. & I. de predᵉ manerᵛ, meſuag' &c. cum pertin', tenendᵉ eidem Comiti & heredᵉ ſuis quiete de predᵉ T. & I. et heᵃ ſuis imperpetuum.

Et predᵉ T. & I. habeant de terris predᵉ W. P. ad valentiam manerᵛ meſuag', terrᵛ &c. predᵉ cum p̄tiñ. Et p̄dᵉ W. P. in miſericordia, &c.

Warrant. Atturnat. inde ſequitur in hæc verba.

Hereſ. John. Comes Salop. po.lo. ſuo I. S. verſus T. B. ſeniorem & I. uxoᵛ ejus de placito terræ.

Hereſ. T. B. ſenior et I. uxor ejus, po.lo. ſuo W. P. verſus Jo. Com̄ Salop. de placito terræ.

Quæ omnia et ſingula ad requiſitionem p̄dᵉ Comitis exemplificari fecimus, & magnum ſigill' noſtrum, quo utimur ad hm̄di exemplificationes, necnon ad quecunq; brevia judicialia extra bancum p̄dᵉ exeuntᵗ ſigillandᵉ, præſentibus apponi fecimus. Teſte I. P. apud Weſt. 18. die Maii anno regni noſtri tertio.

Remiſſio Curiæ in brevi de Recto.

Sect. 10.

EXcellentiſſimo Principi domino I. Dei gratia, &c. T. W. ſalutem in eo per quem reges regnant, et Principes dominantur. Quia A. in cur̄ vr̄a coram Juſt. veſtr̄ de banco p̄ breve vr̄ de recto D. E. de uno meſ. ſuag' cum pertin' in S. qd de me tenetur, licentia mea mediante proponit implacitare, veſtræ celſitudini regiæ, tenore p̄ſentium ſignifico me Cur̄ meū vobis inde hac vic' remiſiſſe. Salvo mihi alias jure dñii caſu conſimi-

consimili cum acciderit. In cujus rei testimoñ has literas meas feci patentes, sigillo meo signat. Dat 3. die Maii, Anno regni &c.

The exemplification of a Recovery inrolled according to the Statute of 24. El. cap. 3.

ELizabeth dei gratia Angl', Franc', & Hiberniæ regina, fidei defensor &c. Omnibus ad quos presentes literæ nostr pervenerint salutem. Sciatis quod inter irrotulamenta b̄um et aliorum dependeñ pro communibus recuperationibus secund formam statuti de termiñ Paschæ apud Westm̄ ann reg nostri 29. Rotul primo continetur sic. Essex. ss.* Elizabeth Dei grat, Angl', Franc' & Hiberñ reg. fidei defensor &c. vic' Essex salutem. Præc' I.W. & I. S. qd juste & sine dilatione reddant Jo. St. & R.P. quatuor messuag', quatuor gardina, 200 acras terræ, 100 acr prat, 300 acr pasturæ, 40 acras bosci, & 300 acras jampnor & brueræ, cum pertiñ, in B.T.T. C.D. & H. quæ clamant esse jus & hered suam. Et in quæ idem I. W. & I. S. non habeant ingress. nisi post disseisinam quam H. H. inde injuste et sine judicio fecit pref. I. S. & T. infra triginta annos jam ultimo elapsos ut dicunt. Et unde queruntur q̄ pred I.W. & I.S. eis defore'. Et nisi fecerint & p̄d I.S. & Th. feceṙ te secur de clamore suo pros. tunc summ̄ per bonos summ̄ pred I. W. & I. S. q̄ sint coram Justic' nostris apud Westm̄ a die S. Mich' in quindecim dies, ostensuri quare non fecerint. Et habeas ibi summ̄ & hoc breve T. meipsa apud Westm̄ 24. die Septem. anno regni nostr decimo* Giboñ. pleg' de pros. Jo. Doo. Rich. Roo. * Summ̄ Joh. Den. Rich. Fen. * G. T. armig' vic' ss.

Sect. 11.

The Doctor which tooke the Affid. for the value.
Pledges.
Summoners.
The Sherifes name.

* Eliz. dei grat Angliæ, Franciæ, & Hiberniæ regina, fidei defens. &c. Vic' Essex salut, Summ̄ per bonos summ̄ E.W. armiger & uxor ejus quod sint coram Justiciariis nostris apud Westm̄ a die S. Hillarii in 15. dies ad war Joh. W. & I. S. quatuor messuag', quatuor gardiñ, 300 acras terræ, 100 acr prat, 300 acr pastur, 40 acras bosci & 300 acras jampnorum & brueræ, cum pertiñ in B.T.T.C.D. & H. q̄ Jo. St. & Tho. P. in curia nostra coram Justic' nostris apud Westm̄ clam̄ ut jus suum per breve nostrum de ingress. super disseisinam in le post vers. eos. Et unde iidem Joh. W. & I.S. in ead curia nostr voc' pred Edm. & Jo. summ̄ in com̄ tuo ad war versus eos. Et habeas ibi summ̄ & hoc breve T.I.D. apud Westm̄ 16. die Octobris, anno regni &c. decimo. * Lone. Summ̄ Johannes Den, Richardus Fen. * T.L. arm̄ vic' ss. * Jo. St. & Tho. po lo. suo R.E. versus Johannem W. & I. S. de placito terræ ss. Johannes W. & I. po. lo. suo I. A. versus Joh. S. & Tho. P. de placito terræ ss. Edm. W. armig' & Jo. uxor ejus quos Johan. W. & I. S. voc' ad war po. lo. suo R. C. versus Jo. S. & Tho. P. de placito terræ. Quæ omnia & singula ad requisition W. W. gener tenore præsentium duximus

Summons and warrant.
The Prothonotary in whose office it is entred.
Summoners.
The Sherife.
The warrants of attorney.

duxim̃ exemplificand', In cujus rei Teſtim̃ ſigill' noſtr̃ ad br̃ia in banco ſigilland' deputat̃ preſentibus appon̄ fecimus T. F. W. P. & F. R. Juſt' de banco predict' apud Weſtmon' xvi. die Junii anno regni noſtri viceſimo nono.

M. The Judges which examined their inrolment. M. W. P. and R.

Pardon' alien' ſuper terr' per breve de Ingreſſu recuperat'.

Sect. 12. REgina, Omnibus ad quos &c. ſalut̃. Cum prædilectus et fidelis conſanguineus noſtr̃. T. Dux Norff. Com̄ Mareſcal' Angliæ, & prænobilis ordinis garter̃. Mil', ac dilect' et fideles noſtri W. C. Miles principal' Secretar' noſtr', R. Catſ miles, nuper ſcilicet term̃ &c. anno Reg. noſtr' &c. recuperaver' verſus prædilectum & fidelem conſiliarium noſtrum N. B. Milit̃ dñum cuſtod̃ magn' ſigil' noſtri Angl', ex ejus aſſenſu & ad ejus requiſition' per br̃e noſtrum de ingreſſu ſuper diſſeiſinam in le poſt, ſec̃m curſum formam & uſum communium recuperation man' de Redgrave, &c. in com̄ noſtr' Suff. ad diverſos ſeperales uſus, intention̄, condition̄ & ꝓpoſit̃ ſpecificat̃ et declarat̃ in quibuſdam Indentur̃ factis inter ipſum N. ex una parte et prefatos ducem W. R. &c. ex alter̃ parte gerent̃ dat̃ ſecundo die Octob. anno Reg. noſtri prim̃ prout per eaſdem Indentur̃ plenius appar̃, cumq; etiam iidem dux W. R. &c. in maner̃, terr̃, tenement̃, et cetera premiſſa cum ptin̄ virtute recuperat' predict. intraver̃, licentia noſtr̃ Regia inde prius non obtent̃, Et de eiſdem premiſſis fuerunt ſeiſit̃ in dominico ſuo ut de feodo, ad uſus, intentiones, et propoſita in pred. Indentur̃ ſpecificat̃ et declarat̃. Quæ quidem Maner̃, meſſuag', terræ, tenement̃, et cetera premiſſa de nobis tenent̃ in capite, ut dicitur, Sciatis quod nos de gratia noſtra ſpeciali ac ex certa ſcientia et mero motu noſtris, ſalvo nobis homag' noſtr̃ perdonamus, remittimus, et relaxamus pro nobis hered. et ſucceſſor̄ noſtr̃ trangreſſ. in ea parte fact' ac omnimod' intraciones, et ingreſſus in predict' Maner̃, terr̃, tenement̃, et cetera premiſſa, ſeu aliquam inde partem ſive parcel', tam ante preſentem diem quoquo modo fact', ſive perpetrat̃, quam impoſter̃ ration' alicujus uſus in pred' Indentur̃ ſpecificat̃ ſeu declar̃ fiend' ſeu habend'. Et ulterius conceſſimus, ac ꝓ nobis her̃ et ſucceſſor̄ noſtr', quant̃ in nobis eſt, per preſentes concedimus præfat̃ duci W. R. &c. quod ipſi maner̃, meſſuag', terr̃, et tenement̃ præd. ac cetera premiſſa cum omnibus et ſingulis ſuis exit̃, reddit̃, proficuis et pertin̄ quibuſcumque (excepт̃ præexcepт̃) habeant et teneant ſibi ac hered' et aſsign̄ ſuis ad uſus, intentiones et propoſita in Indentur̃ predict' content̃ et ſpecificat̃, de nobis hered. et ſucceſſor' noſtris per ſervitia inde debita, et de jure conſueta imperpet̃, abſque impet̃, moleſt̃, vexacion̄, impedimento, ſeu gravamine noſtri heredum vel ſucceſſor̄ noſtr̃,

noſtr̄, aut aliquor̄ Iuſtic', Eſcaetor̄, vicecom̄, ballivorum, aut aliorum officiar̄ miniſt. ſeu ſubditor̄ noſtror̄, aut hæred̄ vel ſucceſſor̄ noſtror̄ quorumcunque, In cujus rei, &c.

And it is to be noted, that of all licences to alien temporall land in Mortmaine, the fine to the King is fiue yeares value of the ſame.

Of all licences to alien ſpirituall land, (as appropriations of Churches, or other benefices Spiritual (the fine to the King is foure yeares value thereof.

Of all licences of alienation made of lands holden of the King in Capite, **the fine is the third part of the value, the tenth deducted.**

Of all pardons of alienation by the Kings tenant in Capite, **the fine is one yeares value thereof.**

Of all licences of Marriage of the Kings Widow, the fine is the 3. **part of the value of her dower by a yeare.**

Of all pardons of the Kings Widowes maried without licence, the fine is the whole value of her dower by a yeare.

Exemplification of a recovery with double voucher out of the Prothonotaries office.

IAcobus Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defenſor, &c. Omnibus ad quos preſentes literæ noſtræ pervenerint ſalutem. Sciatis q̄ inter placita terræ irrotulat̄ apud Weſt. coram E.A. Milite & ſociis ſuis Iuſtic' noſtris de banco. Termiñ S. Hill' anñ Regñ noſtri 2. Rot. x. continetur ſic. Sect. 13.

Eborum ſſ. Fr. W. & R. S. in propriis perſonis ſuis, pet̄ verſus I.R. duodecem acr' prati cum pertiñ in M. & K. ut jus & hereditatem ſuam, Et in quas idem I. non habet ingreſſum, niſi poſt diſſeiſinam, quam H. H. inde injuſte & ſine judicio fecit prefat̄ Fr. & R. infra triginť añ, &c.

* Et predict' I. per W.W. Atturnat̄ ſuum venit, et alias voc. ad warr' T.R. Armigerum, qui modo per ſum̄ ei in com̄ pred̄ fact' per T.L. Atturnatū ſuum, venit & gratis predictas duodecim acr' prati cum pertinentiis ei warrant̄, &c. * Et ſuper hoc predict' Fr. et R. pet̄ verſus ipſum T. teneñ per warrañ ſuam predictas duodecim acras prati cum ptiñ in forma predicta, &c. * Et unde dic. quod ipſimet fuerunt ſeiſiti de pred̄ duodecim acr' prati cum ptinentiis in dominico ſuo ut de feodo, et jure tempore pacis, tempore domini Regis nunc capiendo inde explec. ad valenc. &c. Et in quas, &c. Et inde product. ſectam, &c. * Et predict. T. tenens per warr' ſuam defendit jus ſuum quando, &c. Et ulterius voc. inde ad warr' R. H. qui preſens eſt, hic in Curia in propria perſon̄ ſua. Et gratis predict. duodecim acras prati cum pertinentiis ei warr' &c. * Et ſuper hoc pred̄ Fr. & R. S. pet. verſus ipſum R. H. teneñ per warſuum

Voucher. Le dd' verſ. le 1. vouchee. Le count. Vouch ouſtr. Le defence. Dd' verſ. 2. Vouchee.

ſuam prædict duodecim acr̃ prati cum pertinentiis in forma predict'
Le Count. &c. * Et unde dic' q̃ ipſimet fuerunt ſeiſiti de pred' duodecim acr̃ prati cum ptineñ in dominico ſuo de feodo & jure tempore pacis, tempore Dom̃ Regis nunc capiendo inde explec' ad valentiã, &c. Et in quas &c. Et inde produc' ſectam, &c. * Et prædic' R. H. tenens per warr̃ ſuũ
Le defence. defendit jus ſuum quando, &c. * Et dic' qd̃ pred' H. non diſſeiſivit pref.
Non diſſeiſivit. Fr. & R. S. de pred' duodecim acr̃ prati cum pertinentiis, ,put iidẽ Fr. & R. per breve & narrationem ſuam predic' ſuper jus ſupponunt. Et de hoc ponit ſe ſuper patriam, &c. Et prædic' Fr. & R. S. pet̃ licentiam inde interloquendi. Et habent, &c.

Et poſtea iidem Fr. & R. reveñ hic in curia iſto eodẽ termino in pro-
Default. priis perſoñ ſuis. Et prædictus R. H. licet ſolemniter exact' non reveñ,
Iudgement. ſed in contemptum curiæ receſſit, & defaltam fecit. * Ideo conſiderat̃ eſt quod prædic' Fr. & R. S. recuperent ſeiſinam ſuam verſus præfat̃ I. de prædictis duodecim acr̃ prati cum pertenẽ. Et quod idem I. habeat de terr̃ prædict' T. ad valentiam, &c. Et quod idem T. ulterius habeat
Recoverie in de terr̃ predic' R. H. ad valentiam, &c. * Et idem R in miſerecordia &c.
value. * Et ſuper hoc predicti Fr. & R. S. petunt breve dom̃ Reg' Vicecom̃ co-
Miſericordia. mitat̃ præd̃ dirigend̃ de habere faciend̃ eis plenariam ſeiſinam de p̃d̃ duodecim acr̃ prati cum pertineñ. Et eis conceditur, returnabile hic à die paſchæ in quindecim dies &c. Quæ omnia & ſingula ad requiſitionem prædic' Fr. & R. S. tenore p̃ſentium duxim⁹ exemplificandum. In cujus rei Teſtimonium, ſigillum noſtrum ad brevia in banco prædic' ſigillanḋ deputat̃ p̃ſentibus apponi fecimus. Teſte E. A. apud Weſtm̃ duodecimo die Februarii, Anno Regni noſtri, &c.

When the writ of Seiſin is returned, the returne thereof muſt be entred vpon the ſame Roll, whereon the iudgement was entred, as appeareth in the end of the next ſection.

Another to the like effect.

Sect. 14. IAcobus Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei
Dd' vers terr̃ defenſor, &c. Omnibus ad quos preſentes literæ noſtræ pervenerint ſalutem. Sciatis q̃ inter placita terræ irrotulat̃ apud Weſt. coram E. A. Milite & ſociis ſuis Iuſtic' noſtris de banco. Termiñ S. Mich. anñ Regñ noſtri 2. Rot. 12. continetur ſic.

Le Count. *Notting.ſſ.* R. R. & R. B. in propriis perſonis ſuis, pet̃ verſus P. T. generoſum, & W. H. generoſum, maneria de H. & M. cum pertinentiis, ac viginti meſſuagia, decem toſta, unum molendinum equinũ, duo columbar̃, triginta gardina, quingenta acras terræ, ducent̃ acras prati, ſexcenta acras paſturæ, treſcent̃ acras boſci, mille acras jampnorum

&

et brueræ, quingent̃ acras moræ, et 20. ſolid̃ redd̃ cum pertiñ in H. M. D. &c. ut jus et hereditꝫ ſuam, Et in quæ iidem P. et W. non habent ingreſſum niſi poſt diſſeiſinam, quam H. H. inde injuſte et ſine judic' fecit pref. R. et R. infra triginta annos, &c. * Et unde dicunt quod ipſimet fuerunt ſeiſiti de maneriis, tenementis, et redditu pred. cum pertiñ, in dominico ſuo ut de feodo, et jure, tempore pacis, tempore domini Regis nunc, capiendo inde explec' ad valenc', &c. Et in quæ, &c. Et inde ꝓducunt ſectam, &c. Defence per les terres.

* Et p̃d P. et W. in propriis perſonis ſuis venerunt et defend. jus ſuum quando, &c. Et voc' inde ad warr' G. M. generoſum, qui preſens eſt hic in curia in ꝓpria perſona ſua. Et gratis maneria, tenementa, & redditus pred̃, cum pertinentiis eis warrant̃, &c. Demand' vers Vouchee.

* Et ſuper hoc pred̃ R. & R. pet̃ verſus ipſum G. tenen̄ per warrant̃ ſuum maneria, tenementa, & redditus præd̃ cum ꝑtiñ in forma predict̃ &c. * Et unde dicunt quod ipſimet fuerunt ſeiſiti de maneriis, tenementis & redditu prædict' cum pertineñ, in dominico ſuo ut de feodo, & jure tempore pacis, tempore domini Reg. nunc, capiendo inde explec' ad valentiam, &c. Et in quæ, &c. Et inde producunt ſectam, &c. Count.

* Et pred' G. tenens per Warran̄ ſuū defendit jus ſuum quando, &c. * Et ulterius voc' inde ad warrant̃ D. H. qui ſimiliter præſens eſt hic in Curia in propria perſona ſua, & gratis maneria, tenementa & reddit̃ p̃d̃ cum pertinentiis ei warrant̃, &c. Defence per vouchee. Le revoucher.

* Et ſuper hoc predicti R. et R. petunt verſus ipſum D. tenent̃ per warrant̃ ſuum maneria, tenementa, et reddit̃ predicta cum pertinentiis in forma predicta, &c. * Et unde dicunt quod ipſimet fuerunt ſeiſiti de maneriis, tenementis et reddit̃ predictis cum pertinentiis in dominico ſuo, ut de feodo, & jure, tempore pacis, tempore domini regis nunc, capiendo inde explec' ad valentiam, &c. Et in quæ, &c. Et inde producũt ſectam, &c. Dd' vers 2. vouchee. Le Count vers 2. vouchee.

* Et predictus D. tenens per narrationem ſuam defendit jus ſuum quando, &c. * Et dicit quod predict' H. non diſſeiſivit præf. R. & R. de maneriis, tenements, & redditu pred̃ cum pertinentiis, ꝓut iidem R. et R. per breve et narrationem ſuam predictam ſuperius ſuppoñ. Et de hoc ponit ſe ſuper patriam &c. * Et pred̃ R. et R. petunt licentiam inde interloquendi. Et habent, &c. Defence per 2. vouchee. Non diſſ. Li. Lo.

Et poſtea iidem R. et R. reveñ hic in Curia iſto eodem termino in ꝓpriis perſonis ſuis. Et prædictus D. licet ſolemniter exact' non reveñ, ſed in contemptum curiæ receſſit, et defaltam fecit. * Ideo conſideratum eſt quod predict' R. et R. recuperent ſeiſinam ſuam verſus præfatos P. et W. de maneriis, tenementis, et redditu predictis, cum pertiñ. * Et quod iidem P. et W. habeant de terra pred̃ G. ad valentiam, &c. Et quod idem G. ulterius habeat de terr̃ prædict' D. ad valentiam, &c. Le default. Iudgmẽt inde. Recoverie in value.

Miſerecordia.

* Et idem D. in miſerecordia, &c. Et ſuper hoc predicti R. & R. petunt breve dom̃ regis vicecom̃ com̃ præd̃ dirigend̃, de habere faciend̃ eis plenariam ſeiſinam de maneriis, tenementis, & redditu pred̃ cum p̃tinentiis. Et eis conceditur, returnabile hic a die S. Martini in quindecim dies.

Ad quem diem hic venerunt pred̃ R. & R. in ꝓpriis perſonis ſuis. Et vicecom̃, ſcilicet I. B. miles, modo mandat qd ipſe virtute brevis illius ſibi directi viceſimoquarto die No. ultimo preterit̃, habere fecerit p̃f. R. & R. plenariam ſeiſinam de maneriis, tenementis, & redditu præd̃, cum pertinentiis, ꝓut per breve illud ſibi preceptum fuit, &c. quæ omnia & ſingula ad requiſitiõ pred̃ R. & R. tenore preſentium duxim' exexempl'. In cujus rei teſtimonium ſigill' noſtrum ad brevia in bãco p̃d̃ ſigill', deputat̃, preſentibus apponi fecimus. Teſte &c. Anñ regni noſtr̃, &c.

A Dedimus poteſtatem to take knowledge of a warrant of Atturny of the Vouchee.

Sect. 15.

REx & regina dilecto & fideli ſuo Ra. Ro. Servienti ad legem ſalutem. Cum breve noſtrum de ingreſſu ſuper diſſeiſinam in le poſt pendeat coram Juſtic' de Banco inter W. S. & R. C. geneñ peteñ, & G. T. milit̃ dom̃ T. deforc', de Manerio de W. cum ꝓtineñ ac de uno meſſuag' ducent̃ acris terræ, 60. acr̃ prati, 100. acr̃ paſtur̃, 100. acris boſci, 50. acr̃ moræ, & quinq; ſolidat̃ reddit̃ cum pertineñ in W. & L. in Comit̃ Salop, & pred̃ G. in plena Cur̃ noſtr̃ ibidem coram Iuſtic' noſtris prædict̃ comparens vocavit W. C. ad warr̃ ei Maner̃ prædict̃ cum ꝓtineñ, ſuper quod tunc & ibidem emanavit breve noſtrũ de ſum̃ ad warr̃ vic' com̃ predict̃ direct' verſus eund̃ W. C. returnabile, cor̃ Iuſtic' nr̃is p̃d̃ in quindena S. Hill' prox' futur̃. Et qui predict' W. C. adeo impotens ſui & ſenio confect' exiſtit q; uſq; Weſt. cor̃ Iuſtic' noſtris p̃d̃ ad diem in dicto brevi noſtro de ſum̃ ad war̃ content̃ laborare non ſuffic' ut accepimus. Nos ſtatui ejuſd̃ W. compatientes in hac pte, Ded̃ vobis poteſt' & pleñ author̃ Attorñ vel attorñ, quẽ vel quos idem W. C. ad war̃ vocand̃ lucrand̃ vel perdend̃ in placito predicto coram Iuſtic' nr̃is p̃d̃ loco ſuo cor̃ vobis ponere aut conſtituere voluerit recipiend̃, Noſque inde in Cãcel̃ noſtra de nomine hujuſmodi Atturñ vel Atturnator̃ debit̃ certificand̃. Et ideo vobis mandamus quod ad præf. W. C. ſi cõmod̃ ad vos laborare non ſufficit perſonaliter accedatis. Attorñque ſuum vel Attorñ ſuos conjunctim vel diviſim in forma pred̃ recipiatis. Et cum attorñ illũ vel atturñ illos ſic receperitis, nos inde in Canc' noſt' in xv. S. Hillarii ubicunque tunc fuer' ſub ſigill' v̄ro debite certificetis, hoc bꝛe nobis remittentes. T. &c.

It

It is returned thus;

Reſpond. infra nominat' R.R. ad hoc breve.
Execuc' iſtius brevis patet in quadam ſchedula huic brevi annex' R.R.

Salop. ff. PRecipe G.T. militi domiñ T. quod juſte &c. reddat W.S. & R.maner' de W. cum pertiñ ac unum meſſuag', &c. (ut ſupr' in le Dedim⁹ poteſtatem verbatim) cum pert̃ in W. L. quæ clamat, &c.

Salop. ff. VOc' ad warr' po. loco ſuo A.B. & F.R. conjunctim & diviſim verſus W.S. & R.C. in pl̃ terræ.

Capta & cognit̃ apud Firbeeke in com̃ Ebor' decimo die Februarii, Anno regni dom̃ noſtræ El. &c. 36.

Ra. Ro.

Dedimus poteſtatem de attorn. rec. in brevi de ingreſſu ſuper diſſeiſinam in le poſt pro tenent'.

REx dilecto & fideli ſuo H.W. militi, ſalutem. Cum per breve noſt. de ingreſſu ſuper diſſeiſinam in le poſt pendens coram Iuſtic' noſtris de comm̃ banco noſtro int̃ H.D. & T.H. de 20. acris terræ, tribus acr' prati, & 12. acris paſturæ cum pt̃iñ in M. in comitatu N. Et quia idem T. adeo impotens et ſenio confect⁹ exiſtit quod abſque maximo corporis ſui periculo coram Iuſticiar' noſtris p̃d̃ ad diem in dicto brevi n̄ro contentũ laborare non ſufficit, ut accepim⁹. Nos ſtatui ejuſd̃ T. pie compatientes in hac pte, ded' vobis plenam poteſt. et authoritatem attorñ vel attornatos conjunctim & diviſim, q̃ vel quos idem T. ad lucrand̃ vel pdend̃ in placito pred̃, coꝝ Iuſt. n̄ris pred̃ loco ſuo coram vobis ponere aut conſtituere voluerit recipiend̃, noſq; inde in Canc' noſtra de nomiñ hm̃di attorñ, vel attornatorum debite certificand̃. Et ideo vobis mandamus quod ad pref. T. ſi commode ad vos laborare nõ ſufficiat perſonaliter accedatis, attornatumq; ſuum vel attorñ ſuos conjunct' & diviſim in forma pred̃ recipiat̃. Et nos in Canc' noſtra de nom̃ hm̃di attorñ vel attornatorum ipſius T. in Craſt. Sancti I. prox' futur̃ ubicunq; tunc fuerit ſub ſigill' v̄ro debite certificetis hoc breve nobis remittentes. T. 25. die Aprilis anno regni regis &c. Sect. 16.

It is returned thus.

REſpondeñ infra nominat̃ H. W. ad hoc breve, execuc' iſtius brevis patet in quadam ſchedula huic brevi annex' H.W.

Nott. ff. PRæcipe T. H. quod juſte, &c. reddat H. D. 20. acras terræ, &c. ut ſupra in le Dedimus poteſtatem verbatim,

cum pertinentiis in M.q̄ clamat, &c.

Notting. ff. T. H. po.lo. ſuo. A.B. & F.R. conjunctim & diviſim verſus H.D. de pl̄ terræ.

¶ Capta & cognit apud Firbeeke in com̄ Ebor̄ decimo die Februarii, an. regni dom̄. noſtri Ia. &c.

H.W.

Aliud breve de Ded. poteſt. rec. attorn. ter̄. ſuper breve de ingreſſu.

Sect. 17. REx reverend. in Chriſto patri Cuthberto Epiſcop̄ D. & W.B. Salutem. Cum breve nr̄um de ingreſſu ſuper diſſeiſin' in le poſt p̄deat coram Iuſtic' nr̄is de Banco inter A.B. milit̄ petentem, & C.D. armig. tenentem de quarta parte manerii de F. cum pertin̄ ac 800. ac̄ terræ, 20. acris prati, 220. acris paſturæ, 300. ac̄ boſci, & quadragint̄ lib̄ redd̄ cum pert̄ in F. pred̄ in com̄ Eſſex. Et quia idem C. adeo impotens ſui & ſenio confect' exiſtit q̄ abſq; maximo corporis ſui periculo uſq; Weſt. ad diem in dicto breve content̄ ad perſonaliter comparend̄, & ad id q̄d in eod̄ tunc ibid̄ fieri expediens foret faciend̄ & agend̄, labor̄ non ſuffic', ut accepimus: Nos ſtatui ejuſdem C. compatien' in hac parte, Ded̄ vobis & utriq; v̄r̄m conjunctim & diviſim pleñ poteſt. & author̄ recipiendi Attorn̄ pred̄ C. quē vel quos idem C. perſonaliter cor̄ vobis vel unum v̄r̄m verſus p̄f. A. in b̄ri pred̄ pendeñ coram pref. Iuſtic. nr̄is loco ſuo ponere, atturn̄, vel conſtituere voluer̄ ad pl̄ placitand̄ War̄ vocand̄, lucrand̄, vel perdend̄ in brevi illo. Et ideo vobis & utriq; v̄r̄m conjunctim & diviſim mandamus q̄d ad pref. C. ſi commod̄ ad vos laborare non ſufficiat, perſonaliter accedentes Attorn' vel Attorn. quem vel quos idem C. perſonaliter cor̄ vobis vel uno v̄r̄m in b̄ri pred̄ cor̄ p̄f. Iuſtic' nr̄is penden. verſus p̄f. A. ad pl̄ ibid̄ ad p̄f. term̄ pl̄ war̄ vocand̄, lucrand̄, vel perdend̄, loco ſuo ponere Attorn. & conſtituere voluerit, recipiatis vel un° veſtr̄ recipiat. Et cum attorn. vel attorn. h̄mdi ſic receperitis, vel unus veſtrum receperit, nos in Canc. noſtra de noīn̄ vel nominibus h̄mdi attorn. vel ipſius C. in Oct. Sancti Hill̄ p̄xim̄ futur̄ ubicunq; tunc fuerit, ſub ſigill̄ v̄r̄is vel unius v̄r̄um debite certificetis vel unus v̄r̄um certificet, hoc breve nobis remittentes, Teſte, &c.

* *The forme of a Recovery with ſingle voucher.*

PRecipe S.H. q̄ reddat A.B. & C.D. 40. meſſuag. cum pert̄ in C.D. R. &c.

Pred. S.H. po. loco ſuo R.F. & T.N. conjunct. & diviſim verſ. p̄d̄ A. B. C.D. in pl̄ terræ.

W.A.

W.A. quem predict' S.H. vocat ad warrantiam ponit loco ſuo G.M. & T.F. conjunctim & diviſim verſus predict' A. B. & C. D. in placito terræ.

Predict' A.B.& C.D.ponunt loco ſuo R.C.& F.C. conjunctim & diviſim verſus pred S.H. in pl' terræ.

A common recoverie had by divers againſt one, of divers manors, &c. within the Countie Palantine of Cheſter, before the Iudges of the Shires and Counties.

DE placitis com̃ Ceſtriæ apud Ceſtriam corã T.E.ar̃, filio T.E. mil' Iuſtic' dom̃ reg' ibm̃ die martis ꝓxim̃ poſt feſtum exaltatioñ ſanctæ Crucis Anñ regni regis Henr. octavi poſt conqueſtum Angl' octavo. Sect. 18.

R.E. miles, P.D. miles, I.S.filius & hæres apparens T.S.de W.T.S. filius & hæres apparens R.S. de S. & G.L. capellanus per Th.B.Atturñ ſuum in cur̃ dñi regis, hic petunt verſ.H.S.de O.arm̃ maner̃ de O.alias O.cum pertinent' & 14.meſſuag'.&c. ut jus & hæreditatem ſuã, & in quæ idem H.non habet ingreſſum niſi poſt diſſeiſin' q̃ Th.Cutt inde injuſte & ſine judicio fecerit pref.R.P.I.T.& G. poſtquã I. Scoticus fact. fuit comes Ceſt',&c. Et unde iidem R.P.I.T.& G.dicunt q̃ ipſimet fuer̃ ſeiſiti de eiſdem maner̃, meſuag', tris, prat̃, paſt', boſc. turbar̃, moſſer̃, & reddit̃ cum pert̃,&c. in dom̃ ſuo ut de feod' temp.pac.dñi Reg. nunc capiẽd inde expleciones ad valenc', &c. Et in quæ,&c. & inde produc' ſectam,&c.

Et pred̃ H.S. arm̃ in propria perſona ſua ven' & defendit jus ſuum quando,&c. & vocat ad warr̃ T. N. qui preſens eſt in curia in propria perſona ſua & gratis eidem H.S. maner̃, meſſuagium, terr̃, tenement̃ prat̃, paſtur̃, boſc', turbar̃, moſſet' & reddit̃, & medietatem manerii d̃ E. ſuperius petit̃ cum pertiñ warr̃.Et ſuper hoc pred̃ R.P.I.T.& G.petunt verſus eundem T.N. teñt̃ per warr̃ ſuã præd̃ mañ, meſſuag',&c. & medietatem manerii de E. cum pert̃ in forma pred̃ &c. & unde dicunt qd ipſimet fuerunt ſeiſit̃ de eiſdem maner̃, meſſuag' terr̃, prat̃, paſtur̃, boſc' turbar̃, moſſet̃, reddit̃, & medietat̃ manerii de E.cum pertiñ in dom̃ ſuo ut de feodo, tempore pacis tempore dicti dom̃ regis nunc capiend inde expleciones ad valenc' &c. Et in quæ,&c. Et inde producunt ſectam &c.

Et pred' Th. N. tenen' per Warrant̃ ſuam defend̃ jus ſuum quando, &c.Et dicit qd præd̃ T.C. non diſſeiſivit prefat̃ R P.I.T. & G. de præd̃' mañ,meſſuagio, ter̃, prat̃, paſtur̃, boſc', turbar̃, moſſet̃, & reddit̃, & medietate manerii de E. ſuperius petit̃ cum pertinentiis modo & forma prout prædict. R. P. I. T. & G. per breve & narrationem

onem ſuam pred̄ ſupponunt, &c.

Et prædict̄ R.E. P.D. I.T. & G. petunt licen̄ inde interloquendi hic &c. & habeant. Poſteaque iſto eodem com̄ hic, &c. præd̄ R.P. I.T. & G. per Atturnat̄ ſuum pred̄ reven̄ in cur' dom̄ Regis, &c. Et prædict̄ T.N. tenen̄ per warr' ſuam licet ſolemnit̄ exact̄ non revenit ſed in contempt̄ cur' hic receſſit & defalt̄ fecit. Ideo conſiderat̄ eſt per Iurat̄ com̄ p̄d̄ quod præd̄ R.E P.D. I.T. & G. recuperarent ſeiſinam ſuam verſus prædict̄ H.S. de p̄dict̄ man̄, meſſuag', terr', prat̄, paſt', boſc', turbar', moſſet̄, reddit̄, & medietat̄ manerii de E. ſuperius petit̄ cum pert̄. Et quod idem H. habeat de terra præd̄ T.N. ad valenc'. Et idem T.N. in miſerecordia.

A common Recoverie by divers before the Iuſtice of Cheſter, and Iudges of the ſame Countie, of a Mannor, &c. Temp. H.8.

Sect. 19. DE pl̄ com̄ Ceſtriæ apud Ceſtriam corā T.E. ar' filio T.E. mil̄ Iuſt. dom̄ Regis ibidem die Martis in prima Septimana quadrageſ. an̄ regis H.8.21.

R.B.W.B.B.B. filii R.B. mil̄ O.B.H.D. filius & hæres R.D. armig' defunct̄ D.D. de E. & R.C. capellanus per Th.B. atturnat̄ ſuum in curia domini regis hic petunt verſus R.D. capell̄ & T.H. de civitate C. maner' de W. cum pertinentiis, 30 meſſuag', unum molendinum aquaticū, 500 acr' terræ, 400 acr' prati, 200 acr' paſtur', 100 acras boſci, 20 acras turbar', 40 acras terræ aqua coopert̄, & xl.ſ. reddit̄ cum pert̄ in W. & O. ut jus & hæreditat̄ ſuam, & in quæ idem R. & T. non habent ingreſſū niſi poſt diſſeiſinam quam T.C. injuſte & ſine judicio fecit prefat̄ R. W.B. &c. poſtquam I. Scoticus factus fuit comes Ceſt', &c. Et unde idem R.W.B. &c. dicunt qd ipſimet fuerunt ſeiſit̄ de eiſdem man̄, meſſuag', molend', terr̄, prat̄, paſtur̄, boſc', turbar̄, terr̄ aqua coopert̄ cū p̄t̄ in dominico ſuo ut de feodo, tempore pacis tempore dom̄ regis nūc capiend̄ inde expleciones ad valenc' &c. Et in q̄ &c. Et inde ꝓducunt ſectam, &c.

Et pred̄ R.D. & T.H. in ꝓpriis p̄ſonis ſuis ven̄ & defendunt jus ſuum quando &c. & vocant inde ad warran' W.M. arm̄ qui præſens eſt hic in curia in ꝓpria p̄ſona ſua & gratis maner̄, meſſuagium, molendiñ, terr̄, prat̄, paſc', boſc', turbar̄, t̄r̄ aqua coopert̄ p̄d̄, eid̄ R.D. & T.H. warrantizat, &c. Et ſup hoc p̄d̄ R.W.B. &c. petunt verſus ipſum W.M. arm̄ ten̄t̄ p warrant̄ ſuā manerīū, meſſuag', molend̄, terr̄, prat̄, paſtur̄, boſc', turbar̄, terris aqua coopert̄, & reddit̄ ſuperius petit̄ cum pertinen̄ in forma p̄d̄, &c. & unde dicunt ꝙ ipſimet fuerunt ſeiſit̄ de eiſd̄ man̄, meſſuag', molend̄, ter̄, prat̄, paſtur̄, boſc', turbar̄, t̄r̄ aqua coopert̄ & reddit̄ cum ꝓtiñ in dom' ſuo ut de feodo temp. pacis temp. dict̄ dom' regis

nunc

nunc capiend̄ inde expleciones ad valenc'. Et in quæ,&c. Et inde ꝓducunt ſect.&c.

Et p̄d̄ W.M. armiger tenens per warrant̄ ſuam defendit jus ſuum quand̄,&c. Et vocat inde ad warrant̄ Th.Needham qui præſens eſt hic in cur' in ꝓpria perſona ſua, & gratis maner',meſſuag',molend̄,terras, prat̄,paſtur', boſc. turbar̄ terr̄ aqua cooperī & reddend̄ predicta cum pertineñ eidem M.M. warrantizat,&c. Et ſuper hoc pred̄ R.W.B.&c. petunt verſus ipſum Th.Needham teneñ per warrañ ſuam p̄dict' Maner', meſſuag', molend̄, terr̄,prat̄, paſtur̄, boſc', turbar̄, terr̄ aqua cooperī & reddit̄, ſuperius petit̄ cum ptinent̄ in forma p̄d̄, &c. Et unde dicunt ipſimet fuerunt ſeiſiti de eiſd̄ maner̄,meſſuag', molend̄,tr̄, prat̄, paſtur', boſc',turbar', terra aqua cooperī & redd̄ ſuperius petit̄ cum p̄t in dominico ſuo ut de feodo tempore pacis,tempore dict̄ dom̄ reg.nunc capiend̄ inde expleciones ad valenc' &c. Et in quæ, &c. Et inde ꝓducunt ſectam, &c.

Et p̄d̄ Th.Needham teneñ ꝑ warr̄ ſuam defend̄ jus ſuum quando,&c. Et dicit qd predict' T.Cutte non diſſeiſivit p̄d̄ R.W.B.&c.de manerio, meſſuag',molend̄,tr',prat̄,paſtur',boſc',turbar̄, terr̄ aqua cooperī & red̄ cum ptiñ modo & forma ꝓut iidem R.W.B.&c. ꝑ breve & narrationem ſuam ſuperius ſupponunt,&c.

Et pred̄ R.R.W.&c. petunt licentiam inde interloquendi hic,&c.et habent,&c. Poſteaq; iſto eodem com̄ hic, &c. iidem R. W. B. &c. per pred' Atturnat̄ ſuum reveñ in cur' dom̄ regis.Et p̄d.T.N.tenens ꝑ war' ſuam licet ſolemniter exact' non reveñ, ſed in contempt̄ curiæ hic receſſit et defaltam fecit,&c.Ideo conceſſum eſt per Judicatores com̄ p̄d̄ qd p̄d̄ R.W.B.&c. recuperarent ſeiſinam ſuam verſus p̄d̄ R.D. et T.H. de pred.manerio,meſſuag',molend̄,terr',prat̄,paſtur̄, boſc', turbar' terr̄ aqua cooperī,redd' ſuperi' petit̄ cum pert̄,&c.Et q̄ pred. R.D. et T. H. habeant de terris pred̄ W.M. ad valenc',&c. Et quod idem W.M. habeat de terris predict' T. N. ad valenc', &c. Et idem T. N. in miſerecordia, &c.

The like common recovery in the ſaid County of Cheſter to the next before, and of the ſame manor and lands in the time of the ſaid King.

DE placitis com̄ Ceſtriæ apud Ceſtriam coram T.E.arm̄.filio T.E. Sect.20. milit̄ Juſtic' dom̄ regis ibm̄ die Martis poſt feſtum decollationis ſancti Johannis Baptiſtæ, anno Regis H. 8. poſt conqueſtum Angliæ 21.

R.B.de Ceſtr' R.B.W.B.B.B.filii R.B. milit̄ et O B.per T.B.Atturñ ſuum in curia domini regis hic petunt verſus W. M. armiger' maner̄ de W. viginta tria meſſuag', unum molendinum aquat̄, treſcent̄ acras terræ,

tr̃æ, viginti ac̃ prat̃, centum ac̃ paſtur', quadraginta acr. boſci, decem ac̃ turbar̃, & decem acras terræ aqua coopert̃ cum pert̃ in W.M.K. & W. ut jus & hered̃ ſuam, & q̃ idem W.M. non habet ingreſſum niſi poſt diſſeiſinam q. T.C. inde injuſte & ſine judicio fecit p̃f. R.R.W.B. & G. poſtquam I. Scotic' factus fuit Comes C. &c. Et unde iidem R.R.W. &c. dicunt q̃ ipſimet fuerunt ſeiſit̃ de eiſd' maner̃, meſſuag', molend̃, t̃r̃, prat̃, paſtur̃, boſc. turbar̃, & t̃r' aqua coopert̃ cum pert̃ in dom̃ ſuo ut de feodo tempore pacis temp. dom̃ regis nunc, capiend̃ inde explec. ad valenc. Et in q̃, &c. Et inde producunt ſect. &c.

Et p̃d̃ W.M. in ꝓpria perſona ſua venit & defendit jus ſuum quand̃ &c. Et vocat inde ad warr̃ T.N. qui p̃ſens eſt hic in cur. in ꝓpria p̃ſona ſua, & gratis eidem W.M. Man̄ & tenem̃ p̃d̃ cum p̃t̃ warr̃. Et ſup̃ hoc p̃d' R.R.W. &c. petunt verſus ipſum T.N. tenen. ꝑ warr̃ ſuam, &c. man̄ & tenement̃ p̃d̃ ſuper' petit̃ cum p̃t̃ in form. p̃d̃ &c. Et unde dic. q̃d̃ ipſimet fuerunt ſeiſiti de eiſdem tenem̃ cum p̃t̃ in dom̃ ſuo ut de feodo tem̃ pacis, tempore dict. regis nunc capiend̃ inde expleciones ad val. &c. & in q̃, &c. & inde ꝓduc' ſect. &c. Et p̃d̃ T.N. ten̄. ꝑ warr̃ ſuam defend̃ jus ſuum quando, &c. Et dicit q̃ p̃d̃ T.C. non diſſeiſivit p̃d̃ R.R.W. &c. de ten̄tis p̃d̃ cum ꝓtiñ. modo & forma ꝓut ipſi ꝑ b̃re & narrationem ſuam ſuperius ſupponunt, &c.

Et p̃d̃ R.R.W. &c. pet̃ licen̄t̃ inde interloquendi hic, &c. & hab. &c. poſteaq; iſto eod̃ com̃ hic, &c. iidem R.R.W. &c. per Atturnat̃ ſuum p̃d̃ reven. in cur. dom. regis. Et p̃d̃ T.N. tenens ꝑ war. ſuam licet ſolemniter exact. non reven. ſed in contempt̃ curiæ hic receſſit & defalt̃ fecit: Ideo conceſſum eſt per Judicatores com. p̃d̃ qd pred. R.R.W. BB. & O. recuperarent ſeiſinam ſuam verſus p̃d' W.M. de tenem̃ pred. ſuperius petit̃ cum pert̃, &c. Et qd pred̃ W.M. habeat de t̃ris pred. T.N. ad valenc. &c. Et idem T.N. in mĩa, &c.

SYM-

SYMBOLEOGRAPHY,

Of Indictments and Offences.

Of Indictments.

AN Indictment is a Bil or Declaration made in Sect. 1.
forme of Law, (for the benefit of the Common wealth) of an accusation for some offence, either Criminall or Penall, exhibited vnto Iurors, and by their verdict found and presented to be true, before an Officer having power to punish the same offence. And such an Indictment is made to the end to compell the party accused to answer therevnto.

In euery Indictment two things seem principally to be considered. First, the very offence; for reformation whereof the Indictment is framed. And then the right forme of the Indictment it selfe, according to the distinct quality of euery seuerall offence.

Wherefore, as in my treatise of Extrajudiciall Symboleography, I haue first discoursed how obligations spring of consent, and then disclosed the seuerall formes of instruments thereof: So in this I haue thought good first briefly to vnfold the sundry natures of offences and defaults, and how they binde the offendor. And then to lay downe the doctrine and seuerall forme of Indictments concerning the same.

Offence.

AN offence therefore is a fact done vnlawfull and forbidden by na- Sect. 2.
ture or law, whether the same be in committing or omitting, whereof the one for learning sake, may fitly be termed an offence, and the other a default, for in Law thought is free from offence.

Indeavour.

BVt so is not Indeauour many times, because therein is guile and Sect. 3.
purpose to offend.

Offence publique and private.

AND euery offence is of the state publique or priuate, and is there- Sect. 4.
of termed.

The description of both which offences is drawn sometime from the manner of doing: but may perchance more fitly be taken from the obiect which is hurt, unlesse some thinke good to conioyne them both.

Simpa-

Simpathy betweene the Common-wealth and her members.

Sect. 5. FOr certes if a priuate person is offended, it cannot lightly be denied but that the common wealth is thereby also offended, and again the common wealth being endamaged, how can it be chosen but euery subiect thereof is also affected as being a member of the same.

So great a simpathy and mutuall suffering being in them, as betwéen the head and members of naturall body.

But inasmuch as some offences done, more mérely respect priuate wealth, and some other more mérly the weale publique, those be termed priuate, and these publique.

Offence publique and private.

Sect. 6. A Publique offence is a grieuous fault committed against the common wealth. A priuate offence is an offence against the weale of a priuate person.

Offences binde.

Sect. 7. EVery offence of his owne nature maketh the offendor bound to the common wealth, or to a priuate person, or to both, and not only they which actually commit offence, but they also which command, perswade, counsell, procure, abet, aid, or consent that an offence be perpetrated, or conceale it being done, are censured to offend.

Offences named and unnamed.

Sect. 8. AND offences are either named or vnnamed.

Offences named be such offences as haue certaine names in Law.

Offences unnamed.

Sect. 9. VNnamed offences be those which albeit they bén committed, yet haue they no certaine name set forth in our law, whereby they may be called.

Offences named.

Sect. 10. AGaine, offences named be either our owne or other mens faults, by which we are bound, and they haue a certaine name in law whereby to be termed.

Offences simple.

Sect. 11. OVr owne proper offences be either simple or mixt.

Our simple offences be such as be committed by our own sayings or déeds.

Offences mixt.

Sect. 12. AND the mixt be those which be committed by words and déeds both together.

Offences by word.

Offences

Offences by sayings only, be they by which the minde, dignity, or fame of another man (which is compared to life) is hurt and not his body, and these are also done by counsell and contumelious words. Sect. 13.

Counsell.

By Counsell, as through wicked perswasion.

Wicked perswasion is fraudulent counsell given to any, whereby his minde is corrupted and made worse to do or attempt any thing, naughtily: which yet doth not induce necessity to do the thing, though it binds him that giveth such counsell. Sect. 14.

Offence by contumelious words.

And, offence or crime by words, is when through perverse words, the good name, credit, or dignity of a man is impaired. Sect. 15.

Slander.

And it is either by voice or writing, and is called Slander, which is either against God or man. Sect. 16.

Slander against God.

Slander against God, is whereby the Majesty divine is evill spoken of, of this sort be blasphemy, Magick, Heresie, Apostasie, and Perjury. Sect. 17.

Blasphemy.

Blasphemy is a wicked saying, or slander, pronounced against God, touching his Essence or word revealed. Sect. 18.

Magicks.

Magicians be those which by uttering of certaine superstitious words conceived, adventure to attempt things above the course of nature, by bringing forth dead mens ghosts, as they falsly pretend, in shewing of things either secret or in places far off, and in shewing them in any shape or likenesse. These wicked persons by oath or writing written with their own blood, having betaken themselves to the devill, have forsaken God, and broken their covenant made in baptisme, and detest the benefits thereof, and worship the devill only: And setting their whole hope in him, do execute his commandements, and being dead, command both their bodies and soules unto him. Sect. 19.

Southsaying Wizards.

Of this kinde of Magicians, be all those which ensue, as Southsayers or Wizards, which divine and foretell things to come, and raise by evill spirits by certaine superstitious and concealed formes of words. And unto such words as be demanded of them, doe answer by voice, or else set before their eyes in glasses, Chrystall stones, or rings, the pictures or images of things sought for. Sect. 20.

Divination.

The professors of the art of divinatiō which be puffed up with pro- Sect. 21.

phecying

phecying ſpirits. And can manifeſt who hath ſtolne things, and tell where things loſt or ſtolne be.

Jugling.

Sect.22. IVglers and ſleighty Curers of diſeaſes, which for the curing of all ſickneſſes and ſores of man and beaſt, vſe either certaine ſuperſtitious words or writings called charmes or ſpels hanged about the neck or ſome other part of the body.

Inchauntings and Charming.

Sect.23. INchanters or Charmers through certaine words pronounced and characters or images, herbes or other things applyed, thinke they can do what they liſt, the deuill ſo deceiueth them, or in very deed diſpatcheth thoſe things which the Inchanters would haue done: from theſe ſomewhat differ Witches or Hags, and Augurers or Southſayers by birds, Diuinors by ſéeing the intrals of beaſts ſacrificed.

Witchery.

Sect.24. A Witch or Hagge, is ſhée which being eladed by a league made with the deuill through his perſwaſion, inſpiration, and jugling, thinketh ſhe can deſigne what manner of euill things ſoeuer, either by thought or imprecation, as to ſhake the aire with lightnings and thunder, to cauſe haile and tempeſts, to remoue gréen corne or trées to another place, to be carried of her Familiar, which hath taken vpon him the deceitfull ſhape of a Goate, Swine, or Calfe, &c. into ſome mountain far diſtant, in a wonderfull ſhort ſpace of time. And ſometimes to flye vpon a ſtaffe or forke, or ſome other inſtrument. And to ſpend all the night after with her ſwéet heart, in playing, ſporting, banqueting, dancing, dalliance, and diuers other deuilliſh luſts, and lewd diſports, and to ſhew a thouſand ſuch monſtrous mockeries.

Hereſie.

Sect.25. HEreſie, is a reſolute and obſtinate error in ſome Article of our Chriſtian faith. 2. Tim. 4. 1. 2. Pet. 2. 1. 1. Cor. 11. 19. Rom. 16. 17.

Anabaptiſme.

Sect.26. AMongſt Heretikes are numbred Anabaptiſts, which wickedly iterate holy Baptiſme, which hainous offence is very grieuous, as by which the Maieſty of Almighty God, and the promiſe which in the firſt Baptiſme was effectuall, are violated.

Apoſtaſie.

Sect.27. APoſtaſie followeth, which is a forſaking of the Chriſtian faith. And Apoſtaſie happeneth two wales, either when any man partly reuolteth from true Religion into a wicked ſect, retaining ſtill the name and title of Chriſtianiſme, or when the contrary ſide of the Iewes or Pagans ſo pleaſe him, that he wholly forſaketh the profeſſion of the Chriſtian both in name and ſubſtance.

Periury.

Perjury.

PErjury is a lye affirmed by oath. Sect. 28.

So much of slanderous speeches against God.

Slander against man by word.

ASlander against man, is an injury done to him by words or writings. By words when any thing is said or done by words to the contempt or reproach of another. Sect. 29.

By writing.

INjury by writing is done by a slanderous libell or picture. Sect. 30.

By libell.

ASlanderous libell, is when a libell, epigram, rime, or other writing, is produced, written, or composed to the note or contumely of any man, or the same procured to be bought or sold, that by that meanes the dignity or fame of another man may be hurt. Sect. 31.

By picture.

AN infamous or slanderous picture, is when any man to his infamy or ignominy is painted in any infamous or dishoneſt habit or sort, as hanging upon the gallows, or in some evill place or manner. Sect. 32.

We have shewed the offences committed by words, by which a mans name or dignity is harmed; let us now hasten to those which are done by déeds.

Offences by deeds.

AND they be said to be done by déed, not because they are not also of minde and purpose: but for that they chiefly consiſt in the fact without which it may unneth be judged of their punishment. And for that such offences are not perpetrated against the minde, but the body either of man or his goods, whether it be done mediatly or immediatly. Offences by déeds either altogether destroy a thing, or at the least impaire the same. Sect. 33.

Destruction.

DEstruction is the utter killing or corrupting of things. Sect. 34.

And it is either of a fact permanent and apparent: or transitory, and during but a little while.

Facts permanent.

APermanent fact, is that whose very steps and prints abide, and are to be séen after the offence done: of this kinde be slaughter and burning. Sect. 35.

Slaughter.

SLaughter is a killing done by any meanes, and it is either of man or beast. Sect. 36.

Homicide.

THe slaughter of man is called Homicide, which is every taking away of life frō any person bond or frée by man done with violence, Sect. 37.

by

by which the soule is seuered from the body, by what maner of meanes so euer it chance, whether by sword, staffe, or other weapon, or by venim or poyson, the cause of death be giuen.

Voluntary.

Sect. 38. HOmicide is either voluntary or casuall.

Homicide voluntary is that which is deliberate and committed of a set minde and purpose to kill.

Malicious.

Sect. 39. HOmicide voluntary is either without precedent malice, or with precedent malice.

Of Homicides voluntary without malice precedent, some are commanded, and some tolerated by Law, and others forbidden.

Commanded.

Sect. 40. HOmicides voluntary commanded by Law are such as are done either for iustice sake, or vpon vrgent necessity.

For Iustice.

Sect. 41. HOmicide for iustice sake, as the inflicting of ordinary punishment vpon heinous offendors by death, which is dispunishable, yet in this case it behoueth the Iudge, and other officers to be free from desire of bloud and priuate reuenge.

Necessary.

Sect. 42. HOmicide vpon necessity is either in the due and orderly execution of iustice, as the killing of the offendors in felony which resist or fly officers hauing warrant to arrest or detaine them, or persons pursuing them with hue and cry, or rioters resisting Iustices of the p. which come to arrest them, or prisoners resisting their gaolors, if such offendors cannot otherwise be attached or holden. So is it of persons riotously assembled, resisting persons authorized to apprehend them. 1. Mar. ca. 12. And likewise of offendors in parks, forrests, and warrens resisting or flying away after hue and cry, 21. Ed. 1. and Burglers and Robbers: all which homicides are dispunishable, 26. Ass. 32. and diuers others in like cases by sundry statutes.

Se defendendo.

Sect. 43. HOmicide vpon necessity in ones owne defence is termed Se defendendo, & is where any man being assaulted by any other, flyeth so far as he can without inevitable danger of death, and then in defending himselfe killeth his aduersary, yet for this offence he loseth his goods, and must procure pardon for his life, Glouc' ca. 9. 43. Ass. 31.

Forbidden.

Sect. 44. HOmicides voluntary forbidden by Law, without precedent malice, is manslaughter or homicide, or by chance medly, which is where two men void of all former malice and euill will, meeting together

ther by chance, and vpon sudden falling out, the one of them killeth the other with violence, neither for Iustice, nor in case of necessity, Plow. fol. 110. & 101. 21 H. 7. fol. 23.

Homicide malicious.

THus much of voluntary homicides without malice precedent, now of homicide voluntary of malice proceeding, which is termed murder, and is the felonious killing through malice prepensed of any person liuing in this Realme vnder the Kings protection. Sect. 45.

Of a mans selfe.

AND it is either of himselfe, or of another.

Homicide of the partie himselfe, is termed felo de se. And is where any man of hatred conceiued against himselfe, doth desperately, wilfully, and feloniously kill or destroy himself by hanging, drowning, poysoning, or otherwise. Sect. 46.

Murder.

MVrder of others then the selfe partie, is the like wilfull and felonious killing of any other of premeditate malice. And if the offendor did owe by Law vnto the partie slaine any ciuill obedience, it is in some cases termed petie treason. As, if the wife kill her husband, the seruant his master or mistris, or a Clerke his Ordinary by reason of the reciprocall trust and loyalty which the Law requireth betweene such persons, and this offence is therefore farre more heynous then any of the other homicides. Sect. 47.

Homicide casuall.

THus briefly of homicides willingly done: homicide casuall, which may also be termed homicide by mischance, misfortune, or misaduenture, is, when he that killeth another, had no will, intent, mind, or purpose so to doe, or the man is slaine by some other thing then a man. In which case the offendor is to haue his pardon of course for life and land, but yet must lose his goods. And this homicide is either meerely casuall or mixt. Sect. 48.

By Chaunce.

HOmicide by meere chance, is, whē by by meere fortune against the mind of the killer, a man is slaine. As if one hewing, the axe flyeth off the haft, and kill one, or if a man lopping a tree, warneth the bystanders, that the tree is ready to fall, and yet by the same some of them is slaine, or in throwing tiles from a house, or such other lawfull acts, or the partie is killed by some other thing then man by misfortune, as by falling from an horse or cart, by a stroke of an horse, or any other moueable thing then man. In which case, the thing which killed him, and all things that moued the same, are forfeited to the King, and termed a Deodand, as if a cart wheele goe ouer a man and kill him, the Sect. 49.

wheele, cart, and all things therein, and the horses that drew the same, be all Deodands. 3 Ed. 3. unde versus.

Omnia quæ movent ad mortem, sunt Deodanda, Dyer fo. 78. pl. 37.

Mixt.

Sect. 50. MIxt is, when the killers ignorance or negligence is ioyned with the chance, as if a man loppe trées by an high way side, by which many vsually trauaile and cast downe a bough, not giuing warning to take héed thereof, by which bough, one passing by is slaine, in which case he offendeth, because he gaue no warning, that the partie might haue taken héed to himselfe.

Thus you sée the diuers kinds of Manslaughter.

Slaughter of beasts.

Sect. 51. THe slaughter of beasts followeth, by what meane soeuer it commeth, which is a damage done by injurie and wrong, guile or default against the Law, which might or ought to haue béene taken héed of. Of this offence springeth an action to the owner of the beast, according as the value thereof shall be estéemed by a Iurie.

Burning.

Sect. 52. THus far of slaughter of a man and beast: burning insueth, which is also felony, as the wilful burning of a dwelling house, 3 H. 7. 10. And burning of a barne adioyning to a dwelling house by night, 11 H. 7. fo. 1. And burning of a barne with corne, not adioyning to a dwelling house by day.

Offences transitory.

Sect. 53. ANd these concerning offences of continuing facts, those follow which are of transitory or momentary facts, as vnlawfull copulation, burglary, and theft.

Adultery and fornication.

Sect. 54. VNlawfull copulation is euery carnall conjunction had out of lawfull matrimony, and it is termed fornication or adultery, which is first either naturall, or against nature, and either voluntary or violent. Fornication naturally committed, is betwéen man and woman, which if it be perpetrated betwéene kinsfolks, is said to be incest. Copulation: violent is termed a rape or rauishment of a woman against her will, which is carnall knowledge had of a woman, who neuer consented thereunto before the fact nor after, and this offence is felony in the principall and his aydors, 11 H. 4. 13. 1 Ed. 4. 1. Westmon 2. cap. 13. And carnall abuse of a woman child vnder tenne yeares old, is felonie, 18 Eliz. cap. 6.

Sodomie or buggery.

Sect. 55. COpulation against nature, is by male or female against nature, or by female with female, or with beasts, which is called Sodomy or bugge-

buggery, 25 H.8.cap.5. 5 Eliz.cap.17. which be felony.

Burglary.

Burglary is a felonious entring into another mans dwelling house, wherein some person is, or into a Church, in the night time, to the end to commit some felony therein, as to kill some man, or to steale somewhat thence, or to doe some other such felonious act there, albeit he execute not the same, if the intent or fact of this offendor be to steale, this is like robbery, if to murder, it differeth not much from murder, and so of other felonies. Sect.56.

House-robbing.

The offence against the statutes of 23 H.8.ca.1. and 3 Ed.6.ca.9. Sect.57. somewhat resemble this, for by them it is ordained, that if any person do rob another in any part of his dwelling house, or in his booth, or tent, in any faire or market, and the owner or his wife, children or seruants being within the same, he committeth felony.

Theft.

Theft ensueth, in which not so much the destruction of a thing, as the taking away of the same chanceth. Sect.58.

Theft is an vnlawfull felonious taking away of another mans moueable personall goods, against the owners will, with intent to steale them. And it is from the person, or in presence of the owner, or in his absence.

From the person.

Theft from the owners person or presence, is of two sorts, the one putting the owner in feare, the other not. Sect.59.

Robberie.

Robbery is a felonious taking away of another mans goods from his person, or presence, against his will, putting him in feare, and of purpose to steale the same goods. Sect.60.

And this robbery is sometime termed violent theft, because the partie is in the law thereby terrified.

Without feare.

Theft from the owners person, not putting him in feare, is by cutting or picking his purse, and stealing the money, or purse, or both: this is done sleightly, without the owners feare or privity. Sect.61.

But to perfect this offence, an actuall possession of the thing taken, once seuered from the person of the owner, seemeth necessary in the offendor, and that the thing stollen exceed the value of twelue pence.

Theft of goods in the owners absence, is termed Larceny, which is nothing else but a felonious and fraudulent taking away of another mans moueable personall goods, not being vpon the person of the owner, nor in his presence. And Larceny in respect of the things stollen,

is either great or small: For great Larceny is, when the things stolen, though they be taken at seuerall times, exceed the value of xii.d. And pety larceny is, when the goods so taken exceed not the value of twelue pence.

Hurting and violence.

Sect. 62. NOw then crimes comming from the destruction of things, being thus hastily runne ouer: Let vs step one to the other, which haue their name of the hurting of the thing, and violent hurting destroyeth not the body, but harmeth and annoyeth it, and maketh either the body, or the estate and condition thereof worse.

Hurts to the body of the Commonwealth, as treasons.

Sect. 63. AND through certaine offences is hurt to the Common wealth immediately and alwayes, or the members thereof. The Common wealth is hurt, either in respect of the amplitude and Majestie thereof, or of the profit and commodity thereof, which is hindred or intercepted.

When the amplitude and majestie thereof is harmed, the offence is called treason.

And these treasons be high treason, or petie treason: High treason is when the offence is done against the security of the cõmon wealth, or of the Kings most excellent Majestie, who is the true and vndoubted Soueraigne and chiefe head thereof: whether it be by imagination, word, or deed, as to compasse or imagine treason, or the death of the Prince, or of the Quéne his wife, or his son and heire apparant, or to deflower the Kings wife, or his eldest daughter vnmarried, or his eldest sons wife, or leuie warre against the King in his Realme, or to adhere to his enemies, ayding them, or to counterfeit the Kings great seale, priuy seale, or money, or wittingly to bring false money into this Realme, counterfeited like vnto the money of England, and vtter the same.

Or to kill the Kings Chauncellor, Treasurer, Iustice of the one Bench, or of the other, Iustices in Eire, Iustices of Assise, Iustices of Oyer and Terminer being in his place, and doing of his office, 25 Ed. 3. cap. 2.

Forging of the Kings signe Manuel, or priuy signet, priuy seale, or forraine coine current within this Realme, 2 Mar. cap. 6.

Diminishing or impairing of money current, 2 Eliz. cap. 11. & 18. Eliz. cap. 1.

The second offence in refusing the oath of supremacy, 5 Eliz. cap. 1.

Or the compassing to depriue the King of his crowne, 1 Eliz. cap. 6.

Or to destroy the King, 1 Eliz. cap. 6.

Or to leuie war within the Realme against the King, 1 Eliz. cap. 6.

Or

Or to affirme, that the King or the heires of his body, is not, or ought not to be King of England, or that any other ought, 1 Elizab. cap. 6.

Or intending the bodily harme of the King, 13 El. ca. 1.

Or to leuie war against the King, Idem.

Or to moue forrein inuasions of this Realme, Idem.

Or to declare that the King is not King, Idem.

Or to declare that any other ought, &c. Idem.

Or to affirme the King to be an heritick, schismaticke, tyrant, Infidell, or vsurper of the Crowne, Idem.

Or to claime the Crowne after the King, Idem.

Or to affirme that the Common Lawes or Statutes cannot binde the right of the Crowne, Idem.

Or to maintaine the authority of the Bishop of Rome, 5 El. ca. 1.

Or to obtaine any Bull from Rome, 13 El. c. 2.

Or to giue, take, or promise absolution thereby, 13 El. c. 2.

Or to conspire to inlarge any imprisoned by the Kings commandement for treason touching his person, or suspition thereof, 14 Elizab. ca. 2.

Or to withhold any of the Kings castles or holds, 14 El. ca. 1.

Or any of his ships or ordnance of war, idem.

Or not to render the same castles within fiue dayes after proclamation, Idem.

Or to destroy any of the Kings ships, Idem.

Or to barre any of the Kings hauens, Idem.

Or to perswade any subject from naturall obedience, or Religion: or to the obedience of any other, or to be so perswaded, 23 El. c. 1.

Or for Iesuits to come into, or be in this realme, 27 El. c. 2.

Or to be a Seminarie, and not returne into this Religion within fiue months after proclamation, and take the oath of allegeance, 27 El. ca. 2.

It is also to be noted, that all manner of accessaries to the seuerall treasons aboue mentioned, are guilty of high treason.

Or of misprision of treason, which is the concealement or not disclosing of knowne treason: for which the offendors are to suffer imprisonment during the Kings pleasure, lose their goods and the profit of their lands during their liues, 2 R. 3. f. 9.

Offences hindring the commoditie of the Commonwealth.

NOw succéed the offences which hinder the commoditie of the commonwealth. Sect. 64.

The profit of the Commonwealth is hindred diuers wayes, as by forestalling, ingrossing, regrating, by idlenesse of Apprentices, artificers, and seruants, decaying of the brèd of beasts, destroying of fish, by conspiracies of artificers and chapmen, by not destroying of vermine, as Foxes, Bawsons, Crowes, Choughs, &c. or by making or vttering any stuffe, victuals, or wares deceitfull, corrupt, or insufficient, by not obseruing due weights and measures, or by transporting of things nèedfull in England, as raw hides, tallow, woll, lead, corne, or graine, by erecting of cottages, and brèeding exercèeding many poore people, and by sundry other meanes, as plainly appeareth by sundry statutes and ordinances made for reformation thereof. Of all which particularly to discourse, would occupie more time then I haue now determined to bestow about the same.

Forestalling is the buying or bargaining for any victualls or wares comming to be sold towards any faire or market: Or from beyond the seas towards any citie, port, hauen, crèek, or rode of this realme, and before the same be there.

Or the mouing of any person to inhaunce the price of the same victuals or wares, or the disswading to bring it thither to be sold. 5 Ed. 6. c. 14. 5 El. c. 12. 13 El. c. 25.

Regrating is the buying and selling of any wares or victuals in the same market or faire, or within foure miles thereof, 5 Ed. 6. c. 14. 5 El. c. 12. 13 El. c. 25.

Engrossing, is buying of corne growing, or dead victual to sel again: except barly or malt, oats for oatmeale, and victuals to retaile, badging by licence, and buying of apples, spices, or victuals, other then fish and salt, 5 E. 6. c. 14. 5 El. c. 14. 13 El. c. 25.

Offences against subiects.

Sect. 65. IN these few haue we touched such offences, as immediately and alwaies are committed against the Commonwealth it selfe: now will we intreat of those which alwayes for the most part are perpetrated violently against the inferior members of the same, that is to say, either priuat men themselues, or their goods: which are effected partly by force, and partly without force.

Force is an offence by which violence is vsed to things or persons. And force is either simple or mixt.

Simple force is that which is so committed, that it hath none other crime adioyned vnto it. As if one by force onely enter into another mans possession, without doing any other vnlawfull act there.

Mixt force is that violence which is committed with such a fact, as of

of it selfe onely, is criminall: as if any by force enter into anothers possession, and kill a man, and ravish a woman there, &c.

And those offences which are atchieued with force, are done by true force, or by force after a certaine sort.

Those offences which are finished by true force, are either done by men assembled, or without men assembled.

And force with men assembled is priuate or publique.

Priuate force is, when any with weapons by men assembled, doth inuade the goods or bodie of another, as trespas by entring into ground and taking his cattell, or other goods, imprisoning of a mans body, or beating of him with ones fist, or rescues of a trespas, pound breach, or otherwise without weapon, and such like.

Publike force is that violence which is done by any man assembled with any kind of weapon whatsoeuer, as by forcible entry, keeping of possession of Benefices, Chappels, houses or lands, or Offices, vnlawfull assemblies, routs, riots, rebellions against, &c. 1 Mar. ca. 12. 1 Eliz. ca. 17.

A forcible entrie is a violent actuall entrie into a house or land, &c. or taking a distresse of any person weaponed. Whether hee offer violence or feare of hurt to any there, or furiously driue any out of the possession thereof, 5 R. 2. c. 7. 15 R. 2. c. 2. 8 H. 6. c. 7.

A forcible detaining or withholding of a possession, is a violent act of resistance by strong hand of men weaponed with harnels, or other action of feare in the same place, or elsewhere, by which the lawfull entry of Iustices or others is barred or hindred, 29 Ass. 49.

An vnlawfull assembly is a méeting of three or more persons together, with force to commit some vnlawfull act, and abiding still, not endeauouring the execution thereof, as to assault or beat any person, or enter into his house or land, &c.

A rout is an assembly of three persons or moe, going on about forcibly to commit an vnlawfull act, but yet doe it not. Brooke titulo Ryot 4, 5.

A riot is the forcible doing of an vnlawfull act by three or moe persons assembled together to that purpose.

A rebellious assembly is an assembly of twelue persons or moe, intending, going about, practising, or putting in vre vnlawfully of their owne authority to change any Lawes or Statutes of this Realme, or to destroy the inclosure of any Parke, or ground inclosed, or the banks of any fishponds, poole, or conduit, to the intent the same shal remaine void, or to the intent vnlawfully to haue common or way in any of the said grounds, or to destroy the déere in any park, or any warren of conies, or doue-houses, or fish in any pond, or any house, barnes, mills,

or baies, or to burne stacks of corn, or to abate rents, or prices of victuals, 1 Mar.c.12. 1 El.17.

Also by the same statutes an vnlawfull assembly may be of persons aboue the number of two: but that offence is neither so heinous, nor so sharply to be punished.

It followeth how force may bee committed without a multitude. This kind of force comprehendeth euery harme, hurt, dammage, losse, hinderance, and danger, besides death, happening to any goods, quicke or dead, moueable or vnmoueable, or to men, either culpa or dolo, that is negligently or vnwittingly, or guilefully, or of set purpose, whether it be assaulting, beating, or wounding, maiming, or hurting, bruising, or impairing of the body of a man or beast by any meanes: or the bruising breaking, or impairing of any other thing whatsoeuer without a multitude, also breaking of prisons to escape thence, breaking of houses to steale something thence, or to do some felony there, which being in the night, is termed burglary, whereof we haue spoken before, entreating of theft. In this ranke also may be placed the pulling vp or remouing of mæres, bounds, or marks, set for the diuiding of one mans land from anothers, and many other such trespasses, wherein is none apparent force or terror, as to hawke, hunt, fish, or fowle, or to cut, eat, treade, or fople grasse in another mans fople vnlawfully, 11 Ass.16. 11 H.8.4.16. 21 E.3.34.

Hitherto of offences done by true force indéed: now of such as are not properly done with force and violence, but by intendment of the law only: of which sort be bribery, extortion, exaction, priuat imprisonment, and certaine other like misdemeanors.

Those offences of bribery, extortion, and exaction, are committed when any for feare of his iudgement, office, or other power or authoritie, or for any other terror, exacteth, extorteth, and wringeth money or other things from another man, as Sheriffes, Coroners, or other Officers, Auditors, Receiuers, Escheators, custos brevium, Chirographers of fines, Admirals, Marshals, Criers, Mayors, Bailiffs, Clerks, Wardens of Fellowships, Iudges, Bishops, Ordinaries, or other Officers whatsoeuer: for reformation of which, see the seuerall statutes thereof, in that behalfe prouided.

To this crew, as it séemeth, may be referred the exaction of vnlawfull vsury: which is taken of any thing of any man for the lone, or giuing day of payment of money: 37 H.8.c.9. 13 El.c.10.

And all vnlawfull games, which be all games but shooting, 33 H.8. ca.9.

And euery other taking of more then is due by colour or pretence of right, as the taking of excessiue toll by Millers, or others, or of excessiue

ceſſiue prices for ale, bread, victuals, wares, or other things.

Offences ſpringing from words and deeds.

SO much then of ſingle offences, ſpringing from only words or only deeds. Now follow thoſe which iſſue from both together, as thoſe which ariſe from the crime of falſhood.

The offence of falſhood is a guilefull & fraudulent imitation of the truth againſt the law, and it is committed either by word or by deed.

Falſhood by word is by lying, as if any man ſhould fain vnto himſelf a falſe name or ſirname, or ſay he is another man then he is, to deceiue ſome oath: or by periury, which is a lye affirmed by oath.

Falſhood by deed is as if a man write or ſigne a falſe teſtament, or falſly ſet downe therein ſome legacy or truſt to himſelfe, without the minde of the teſtator, or if a man make a falſe deed, or accompt, or other inſtrument, or if he bribe or corrupt a Iudge, or do raze, change, or corrupt any writing, to the defrauding of another man, or doe conuey, remoue, or take away, ſuppreſſe, conceale, or falſly ſigne a teſtament, or counterfeit another mans hand in writing, or to counterfeit or vtter falſe money, or to adulterate, embaſe, ſhaue, file, clip, waſh, or empaire the currant coin of England, or to counterfeit the hands of magiſtrats, and certificats, teſtimonials, or licences in their names, or to vſe falſe weights, meaſures, or ſtandards not agreeable with the ſtandard. To corrupt or ſuborne falſe witneſſes. To make falſe accounts or reckonings.

Hitherto we may refer maintenance, and champerty, and ſuits, embracing or inueigling of iurors, forging of falſe and fraudulent writings, making of fraudulent feoffments, leaſes, and deeds of gift, or rather falſe grants or conueiances of lands or goods, to defraud true creditors, fraudulent conſpiring of any mans death, to auow and vndertake vpon one to defend other mens quarrels, to be patron to the cauſes of others, by lending of ones name for meed or fauour of an offendor, or to bere, prouoke, or reuenge.

Alſo falſly to collude in pleading, or to betray or to loſe his Clients cauſe wittingly, or falſly diſcontinue or forſake his Clients ſuit.

Other mens offences, and how far they binde us.

WE haue entreated of our owne offences: other mens ſucceed, Sect. 67.
namely when, and how far we are bound by them.

And we are bound by other in offences, when we are tyed by the faults of our family, or of our beaſts.

Our family offendeth by laying, or caſting, or hanging of any thing in

in the high way, whereby it is stopped or hindred: which offence is called Nusance.

We are bound by many trespasses of our wiues, but not to sustaine corporall punishment for their offences.

Also if our beasts or Cattell offend in eating other mens Corne or grasse, or in hurting or killing the beasts or cattell of other, we are bound by it, or if our dogs, beares, or lyons, boares, &c. hurt the goods or cattell of any other, we are bound thereby, for that we ought to gouerne them.

Offences unnamed.

Sect. 68. THough of named offences, it remaineth that we view those which be vnnamed.

For when the variety of offences grew so manifold, that all could not be distinguished by speciall names, it was appointed that proper or speciall names aforesaid failing, the offence of cosening and deceit should come in place.

The offence of cosening taketh place, if any thing be done by guile, in or out of contracts, which will not agree with any of the said offences, as if any vse collusion or fraud towards the death or defrauding of another, or shifting counterfeit ware into the place of others, or to exact a greater summe then is due, or a debt which is paid, or sell or pledge any thing to two, seuerally at one time, or that thing which is another mans for his owne, knowing it to be another mans; or to pledge copper or other base mettall for gold or siluer, &c.

Deceit is a subtill wily shift or deuice hauing none other name. Hereunto may be drawne all manner of craft, subtilty, guile, fraud, wilinesse, sleightnesse, cunning, couin, collusion, deceit, deuice, practise, and offence vsed to deceiue another man by any meanes, which hath none other proper or particular name but offence.

Of Indictments as remedies for the former diseases.

Sect. 69. THus haue we rather sleightly shadowed, then perfectly portraited the vgly shape of such enormous offences, as with their deformity most blemish the body of our beautifull (otherwise flourishing) Commonwealth. Now therefore we are to shew the waies how to prepare remedies for the same, which must be done by Indictments, in which are chiefly to be eyed the matter and the forme.

The matter or object of Indictments is nothing else but the seuerall offences and facts vnlawfull, before described, in which the very fact it selfe, and the circumstances thereof are to be weighed.

Touching the offence or fact it selfe, we are here fully to regard the very nature & quality of the offence, as, whether it be treason, felony, trespasse,

treſpaſſe, deceit, or ſome other offence, and of what ſeuerall kinde it is, and whether it be puniſhable by the common law, or by ſome penall ſtatute, that the Indictment thereupon may be framed accordingly.

The circumſtances of the fact are ſeuen, that is to ſay, cauſe, perſon, time, place, quality, quantity, and euent.

Touching the cauſe of the offence, we are to weigh whether the offence be of cauſe juſt or vnjuſt; whether by chance, or of malice and purpoſe, or vpon a ſudden, or by negligẽce or guile, which maketh ſome homicides lawfull, ſome puniſhable, and that in ſeuerall degrées.

The perſon is in two ſorts to be regarded, that is, as he is agent or patient. For it is not all one for infants and men of full age, & for men mad, lunaticks, and ideots to offend. And otherwiſe in many caſes are they to be puniſhed which offend God, the commonwealth, magiſtrates, or their maſters and ſuperiors, then they which offend others.

The time alſo in offences maketh difference betwæne offences, as in Larceny and Burglary.

The place in like manner maketh the ſelfe ſame fact either theft, burglary, or ſacriledge.

By the conſideration of the quality we diſcern whether an offence be heinous or not, and whether it ſtand in committing or omitting.

The view of the quantity of the offence ſheweth vs whether it be puniſhable by death or otherwiſe, and if by death, what manner of death, and regardeth the cuſtome or iteration thereof.

The euent loketh to the finall cauſe, purpoſe, or iſſue of the fact, whether it be caſuall or voluntary.

All which circumſtances are partly ſéen before in the very handling of the offences; now let vs lok more ſpecially into the forme of the indictment.

Of the forme of Indictments.

IN the forme of euery Indictment, beſides the ordinary words of forme, preciſe certainty to euery intent is to be as warily loked vnto as in declarations in ciuill ſuits and return of ſheriffes, 3. H. 7. f. 11. & 12. 3. E. 4. 21. Otherwiſe is the indictment inſufficient, for Indictments and appeales be the very baſe and foundation of euery criminall controuerſie. Sect. 70.

This certainty conſiſteth firſt in the name and ſurname of the party indicted, both principall and acceſſary.

2 In the certaine name and ſurname of the party offended.

3 In the certainty of time wherein the offence is done, as the certain day, yeare, yea and many times the very houre is expreſſed.

4 In the place where the offence is perpetrated.

5 In

5 In the very matter of the fact, and nature of the offence committed, as whether it be treason, felony, trespasse, deceit, penall statute, &c.

6 In the name and value of the thing in which the offence is done.

Unto the name of the party indicted must be united the addition of his estate, degrée, or mystery, and the shire and town, hamlet or place of his then, or late dwelling or commorance: all additions which signifie any lawfull estate, degrée, or mystery, are good; whether they be of dignity by creation, as Duke, Marques, Earle, Vicount, Archbishop, Bishop, Knight, Sergeant at the law: or without creation, as Baron, Esquire, gentleman, which are names of dignity without creation. Also Alderman, Doctor, Archdeacon, Deane, Parson, Parish clerke, widow, single woman, be good additions of estate or degree: but farmour, seruant, butler, &c. are not, for that they are common to gentlemen, yeomē, &c. and so incertain: merchant, grocer, taylor, shoomaker, tanner, currier, broker, husbandman, hostler, haberdasher, mercer, draper, Goldsmith, Butcher, Chapman, labourer, spinster, and every other addition of any lawfull occupations, be good additions of mystery. But neither Chauncellor, Treasurer, Chamberlaine, Sherife, Coroner, Escheator, Bailiffe, Archdeacon, Deacon, Prebendary, Parson, nor such other names of dignity (by reason only of office) are good, but where such persons be charged for offence, by reason of their offices: nor citizen, for it neither nameth any mystery, art, nor degree: neither extortioner, bankerupt, rogue, vagabond, vserer, heretike, schismatike, dicer, bowler, carder, nor such like, being against the law. If the place whereof the offendor is or was, be an hamlet, and there be diuers hamlets in one town, he may be named either of the town or hamlet: but if it be only a place known in a town, and not an hamlet, he must be named of the towne, 35. H. 6. fo. 30. if the town where the offendor dwelleth beareth one selfe name with the parish, he may be named of either: but if there be two towns of one name in one parish, he ought to be named of the parish, 5. Ed. 4. fo. 129. 22. E. 4. fo. 22. & 22. Hen. 6. fo. 41. Alias dictus in Indictments is not necessary. The addition or degree or mystery must be such, as the party hath at the very time of the indictments: but he may be termed nup of any place wherof he hath been at any time before, but it is best to name him of the place of which he is, or last was, thus: Juratꝰ ꝓ dom̃ rege ꝓsent ꝙ I. S. nuper de D. in com̃ Essex husbandman, &c. and further, the time of the offence committed must be thus set down, as in personall actions quinto die Feb. ann̄ reg. dñi nr̄i Jac. Dei gratia Angliæ, &c. And in some indictments, as of murder and burglary, the very houre is to be expressed, as hora 6. ante merid̄ (if it were before Noon) and post mer. (if it were after) ejusd̄ diei: if the offence be cōmitted after noon & before midnight, it must be said in the same day: if after midnight

and

and before the sun rising, then in the day following: and if the time be expressed by the yeare of our L. God (as it may be) then the yeare beginneth with vs euermore vpon the 25. day of March: but in indictments which present that a thing is omitted or not done, there needeth no time of the not doing or omission thereof be set forth, as that a ditch was not scoured, by means whereof meadowes be ouerflown, and such like. If a man be striken or poisoned in one county, and die therof in another county, the indictment may be in the county where the death hapned, 2. & 3. El. c. 24. and if one become accessary in one County to a murder or other felony done in another, he may well be indicted in the county where he was accessary. He which robbeth in the county of D. and is taken with the manner in the county of S. may be indicted of theft where he is so apprehended, but not of robbery, but in the county where the offence was done. The place is thus to be set down, apud B. in com̃ C. For it is not good to say in com̃ p̃d referring to the name of the county written in the margent of the indictment: and the place of the offence is sometime more specially set down thus, apud B. in com̃ C. in quod loc' ibid voc', the north close, &c. also it is to be regarded that if a county be diuided into seuerall diuisions, so that those which be Iustices in one diuision, be not Iust. in another diuision thereof, as the county of York, which is diuided into 3. diuisions, called Ridings, as the westriding, eastriding, and northriding, it is requisite that it be expressed in the indictment, in which of the diuisions or ridings th'offences hapned, as apud R. in westriding in com̃ Ebor̃ in quod loco ibid voc' the lodge, &c. for the commissions, whereby the Iustices of P. in such ridings are ordained, haue in them such words as follow, viz. Sciatis qd assignamus vos conjunctim & diuisim, & quemlibet v'r̃m Iust. nostros ad pacem nostram in partibus de Westriding in com̃ nostro Eborum conservandam, &c. Mandamus enim tenore presen̄t vic' nr̃o Eborum, qd̃ ad illos dies et loca, quæ vos vel aliqui hujusmodi duo vel plures v'r̃m, ut p̃d est, sci'r̃ feceritis, venire coram vobis vel hm̃di duob⁹ vel pluribus vestrum, ut dictum est, tales probos & legales homines de partib⁹ predictis tam infra libertatem quam extra, per quos rei veritas in præmissis melius sciri poterit & inquiri, &c. So that the power of such Iustices extendeth no further then to those Ridings only in which they bæn so made Iustices, and therefore what is by them done otherwise is coram non Judice, and void.

Albeit the name of the person to whom the offence is committed be in many cases required, yet an indictment qd defendens bona & catall' cujusdam ignoti felonicè cepit, &c. in theft: or, quend̃ ignotum felonicè depredavit, &c. in robbery, is good for the Kings aduantage of the forfeiture thereby accruing, so is it, as it seemeth, quod vi & armis, &c.

&c. insultum & affraiam in quendam ignotum fecit, &c. Dyer fo. 99. pag. 61. & 285. p. 38. But if the goods of a Church be taken away, the Indictment must be quod bona parochianorum in custodia gardianorum Ecclesiæ de C. existen ceperunt, & asportaverunt, &c. If the goods of a man be taken, who maketh his executors, and dyeth, the Indictment must be, bona testatoris, &c. but if they be taken after the testators death, it shall be bona testatoris in custod executi existen, &c. A grauestone is, de bonis ecclesiæ: coat armour hanged ouer a tombe, be the goods of the dead mens executors: goods taken from one, are the goods of the trespasser, vntill the owner haue recontinued his property: goods bailed, are said bona of the owner in custodia ballivi. The names of things in which the offence is committed, ought also to be certainly mentioned in indictments, dead things may be called bona & catalla, expressing their names certainly, as appeareth hereafter: but of liuing things we must not say, bona & catalla, but unum equum; or, equos & ovem, bovem, &c. And the value of those things in which offences are committed is vsually comprised in indictments, which saueth necessary in theft to make a difference from pety larceny, and in trespas, to aggraua the fault & increase the fine, but no price of things feræ natur may be expressed, as of deer, hares, &c. if they be not in parks or warrens, which is a liberty, 8. E. 4. fo. 5. nor of charters of land. And where the number of the things take are to be expressed in the indictment, as of yong doues in a douehouse, yong hawkes in a wood, there must be said precii, or ad valenciam; but of one liuing thing, or of one dead thing only, it is pretii, and not ad valenciam; but of diuers dead things ad valenciam, and not precii. Of coin not currant, it shall be precii, but of coin currant shall neither be said precii, nor ad valenciam, for the price and value thereof is certaine, but of counterfeit coine, shall be said ad valenciam, and in counterfeiting of coine shall not be said 10. libras in denariis domini regis, nor in pecunia domini Regis, but ad instar pecuniæ domini Regis.

The very manner of the fact or deed it self, and nature of the offence must also be mentioned in the indictment, as in escape, for prison breaking, must be expressed for what felony the offendor was apprehended and imprisoned: & for counterfeiting of money must be shewed to what the counterfeit is like, as groats, shillings, &c. And in murder and manslaughter, the stroke whereof death ensued, Dyer f. 99. pl. 61. And for slanderous words against the K. the very words must be certainly set downe. And for entry into house, lands, or tenements, must be expressed, what manner of house, lands, or tenements, as a messuage, a cottage, arable land, meadow, pasture, or wood. And wherein any Indictment, seueral acts be said to make vp the offence which may be done at

seuerall

ſeuerall times and places, both the times and places muſt be certainly expreſſed, as in murder and manſlaughter, the aſſault and the ſtriking, as apud B. in coñ E. &c. in quendam I. S. inſultum fecit, & ipſum I. S. cum quoꝺ gladio precii, &c. adtunc & ibiꝺ felonicè, & ex malitia ſua præcogitata percuſſit & murdravit. And in theft, the thing ſtollen muſt certainly be laid downe, 22. Aſſ. pl. 75. & 29. Aſſ. 45. And an Indictment againſt an acceſſary, muſt ſhew what felony the principall committed, and that knowing it, he receiued the felon felonſouſly, 7. H. 6.

Touching the ſeuerall natures of ſeuerall offences, it is to be noted, that in Indictments of treaſons, the fact muſt be neceſſarily ſaid to be done, proditoriè; of murder, murdravit; and of manſlaughter and all other felonies, the déed muſt be ſaid to be done felonicè, and in burglary, Burglariter, or intentione ad feloniam ſive murdrum faciendꝰ, &c. in rape felonicè rapuit, in theft, feloñ cepit & aſporꝛ, if it be a dead thing: if liuing, abduxit, or felonice furatus eſt. In pety Larceny and maime muſt alſo be ſaid, felonicè.

And notwithſtanding the ſtatute of 37. H. 8. c. 8. it is not amiſſe in euery Indictment containing felony or treſpas, to vſe the words (vi & armis) viz. gladiis, baculis, cultellis, &c. And in a forcible entry vpon the ſtatute 8. H. 6. c. 9. muſt be manu forti, &c. or cum multitudine gentium &c. And in an Indictment found vpon ſtatutes, it ſéemeth not néedfull to recite the ſtatute verbatim, as hath béen heretofore vſed, ℈ namely, if the ſtatute be generall, 5. H. 5. 11. 30. aſſ. 38. But fully and certainly to deſcribe the offence againſt the tenor of the ſame ſtat. And then conclude with theſe words, Contra formꝫ ſtatuti in hmꝺi caſu proviſi & æditi; If there be only one ſtat. of that offence: but if there be diuers concerning the ſame, then the concluſion muſt be Contra formam diverſorum ſtatutorũ in hmꝺi caſu æꝺit & ꝓviſoꝝ, &c.

And it is ſpecially to be noted, that in Indictments grounded vpon penall ſtatutes (other then for tillage) giuing the penalty to the King only, may be exhibited at any time within two yeares after the offence. But if the benefit be to the Prince, and another perſon, it ought to be ſued for ſuch perſon and the Prince within one yeare. And for the Prince alone within three yeares, if ſhorter time be not in that behalf limited in ſuch penall ſtatutes, 31. El. c. 5.

But the formes of Indictments will beſt appeare in the following examples, which for the Readers eaſe I haue here alphabetically ſet downe as enſueth.

For keeping an Alehouſe, or Tipling houſe.

IUratores ꝓ domina regina præſentant, quod A. B. de C. in dicto comitatu E. yeoman, viceſimo die menſis Octobris, Anno regñ domiñ noſtræ Sect. 71.

noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ reginæ fidei defenſoris, &c. Triceſimo, et continue multis diebus poſtea, viz. uſque primum diem dicti Octob', anno ſupradicto, apud C. pred' in comitatu predicto, obſtinate atq; ex authoritate propria ipſius A. B. ſine ulla Juſticiariorum pacis dictæ dominæ reg. in comitatu prædict' admiſſione aut allocatione, aſſumpſit ſuper ſe cuſtod', & cuſtodivit unam communem Tabernam (Anglice vocatam a common Tipling houſe) & ibidem dicto viceſimo die, et dictis diebus tum poſtea, communiter et publice vendidit cerviſiam, et potum (Anglice dictum Ale and Bære) diverſis dictæ dominæ reginæ ligeis et ſubditis. In dictæ dom̃ regiñ contemptum, ac contra formam cujuſdam ſtatuti in Parliamento dñi Edwardi nup regis Angliæ ſexti tento apud Weſtm̃, anno regni dicti dñi Ed. quinto, in hujuſmodi caſu proviſ. & æditi.

For ſilk in a Cap.

Sect. 73. IUratores pro domina regina præſentant, quod A.B. de C. in dicto comitatu Tailor, natus infra hoc regnum Angliæ, viz. apud C. predict', ſed filius aut hæres apparens alicujus militis, aut filius hominis altioris gradus non exiſtens, nec potens expendere per annum viginti libras, in terris, tenementis, feodis, officiis, aut aliis annuis reventionibus, pro termino vitæ ſuæ: nec valens ducentas libras de bonis ſuis propriis; nec unquam Major, Ballivus, Aldermanus, aut capitalis officiari' in aliqua civitate, burgo, aut villa corporata exiſtens, nec dictæ dñæ regiñ ſervi-ens in ordinario (utens dictæ dñæ reg. liberata) exiſtens; 20. tamen die Octob', anno regni dictæ dñæ nr̃æ Eliz. Dei gratia, Angliæ, Franc', et Hiberniæ Reg', fidei defenſor̃, &c. triceſimo, apud C. predict' in com̃ pred', per totum 20. diem anno ſupradicto, interiore parte cujuſdam pilei ſui (Anglice voc̃ a Cap, quodam ſerico (Anglice dicto Taffata) (ad valorem duor̃ ſolidor̃) illicite et palam uſus eſt; contra formam cujuſdam ſtatuti, in Parliamento Philippi et Mariæ nup Regis et Regiñ Angliæ, tento apud Weſtm̃ in com̃ Midd', annis regnorum ſuorum, primo et ſecundo, in hujuſmodi caſu proviſi et æditi.

For uſing the Art of a Mercer againſt the Statute of Anno quinto *of the late Queene Elizabeth.*

Sect. 74. IUratores pro domina Regina preſentant, quod A. B. de C. in comit' E. Mercer, viceſimo die menſis Maii, Anno regni dictæ dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ reginæ, fidei defenſoris, &c. triceſimo primo, & multis aliis diebus continue poſt dictum diem per ſpacium duorum menſium, extunc proxim̃ ſequent̃, vide-

videlicet, uſque viceſimum diem Iulii, anno ſupradicto, apud C. p̄d̄ in comitatu E. præd̄, quandam artem, ſive myſterium (Anglice dictum **Mercerie**) illicite pro lucro ſuo proprio uſitavit & exercuit: tunc ibidem vendendo merces (Anglice vocatas **Mercerie wares**) diverſis dictæ dom' reginæ ligeis & ſubditis: ubi revera idem A.B. nunquam fuit in dicta arte ſive myſterio educatus tanquam apprenticeus per ſpaciū ſeptem annorum, nec idem A.B. eandem artem (ſive myſterium præd̄) duodecimo die Ianuarii, anno regni dictæ dominæ noſtræ reginæ nūc quinto uſitaverit, aut exercuerit: In magnū dictæ dominæ reginæ contemptum, ac cōtra formam cujuſdam ſtatuti in parliamento dicī dom' reginæ noſtræ nunc tento apud Weſt. anno regni ſue quinto, in hoc caſu proviſi ac æditi, ut ſupra dic'.

An Indictment upon the ſtatute of An. 1. Mar. cap. 12. for the aſſemblie of twelve perſons, aſſembled together to the intent to cut downe a Conduict head, and ſtaying there three houres after proclamation made that they ſhould depart.

IVratores p̄ domina regina preſentant, Quod primo die menſis Octobris, anno regni dominæ noſtræ Elizabethæ, Dei gratia, Angliæ, Franciæ, & Hiberniæ regiñ, fidei defenſoris, &c. triceſimo quinto A. B.C.D.E.F. **And ſo reciting vii. perſons at the leaſt, with their additions of occupations and dwellings**, apud quendam locum infra parochiā de O. in Com̄ E. præd̄, (Anglice vocatum **le olde Court**) inter horas decimam & undecimam ante meridiē ejuſdem diei, vi & armis, tā invaſivis, q̄ defenſivis, videlicet, gladiis, pugionibus, baculis, arcubus, ſagittis, tunicis ferreis & tormentis, ſeipſos congregaverunt, & aſſemblaverunt: Ac tunc & ibidem intenderunt, conati ſunt, practicaverūt & in uſu poſuerunt, vi & armis, illegitime, et ex authoritate ſua propria, ſecare, et prorſus evertere, proſternere ac deſtruere quoddam caput unius aquæ ductus (Anglice vocatum **a Conduit head**) tunc ibid̄ in fundo cujuſdam R.S. de O. præd̄ in comitat̄ prædicto generoſi exiſtens et curſum aquæ in ipſo habens, ea intentione, ut idem caput aquæ ductus predict' extūc apertum & vacuum remaneret ac jaceret: Et ulterius, quod ſuper querimonia inde facta coram T.W. uno Iuſticiariorum pacis dictæ dominæ reginæ in comitatu E. prædicto, omnes & ſinguli prædicti A.B.C.D.E.F. &c. tunc & ibidem per eundem Iuſticiarium requiſiti ſunt ac juſſi (per Proclamationem in nomine dictæ Dominæ Reginæ tunc & ibidem per eum palam factam) ad habitationes, loca, & domos ſuas (unde venerant) ſe inde in pacifico modo retrahere, retirare, diſcedere, & reverti: quæ quidem proclamatio tunc ibidem modo & forma ſequentibus, habita & facta eſt, videlicet, Sect. 74.

prædictus T. W. Iusticiarius tunc ibid̃ fecit alta voce unum Oyes, ac tunc ibid̃ immediat̃ hæc verba Anglicana sequentia palam, & alta voce pronunciavit, dicens, scilicet, **The Quéene our Soueraigne Lady chargeth and commandeth all persons (being assembled) immediately to disperse themselues, and peaceably to depart to their habitations, or to their lawfull businesse, vpon the paines contained in the Act lately made against vnlawfull and rebellious assemblies: And God saue the Quéene.** Et ulterius Iuratores prædˊ dicunt, quod non obstante dicta proclamac' modo & forma prædˊ per præf. Iust. tunc ibidˊ facta et habit̃, iidem tamen omnes & singula prædˊ A.B.C.D.E.F. &c. in dicto loco vocato **le old Court**, infra paroch' de O. p̃dˊ in dicto comitatu E. p spacium duar̃ horarũ, immediate & contiñ post dict̃ ꝓclam̃ sic ut ꝓfert̃ factam & habit̃ sequent̃, seditiose et fel̃ insimul remanserunt et continuaverunt, in magnũ dictæ dom̃ reg' contẽptũ, ac contra pacẽ, coronã, & dignitat̃ suas, necnon cõt̃ form̃ diverſ. Statutoꝝ in hm̃di casu ꝓvisoꝝ & æditoꝝ.

The proclamation.

Their staying after the proclamations two houres.

Against a Barrettor.

Sect. 75. IUratores pro domina regina præsentant, quod A.B. de C. in Com̃ E. Tailor, secundo die Octobr̃, anno regni dictæ dom̃ nostræ Eliz. Dei gratia Angl', Franc', & Hiber̃ reg', fidei defensoris, &c. Tricesimo quarto, apud C. prædˊ in comitatu E. predˊ, fuit, et adhuc est communis Barrectator, et pacis dictæ dom' reg' perturbator, assiduus & publicus, necnon communis ac turbulentus calumniator, conviciator, pugnator, & litium inter vicinos suos seminator, adeout diversas lites, controversias, necnõ jurgia, & pugnas adtunc ibidem, & alibi in dicto com̃ E. inter diversos dict' domiñ reginũ ligeos & subditos, movit, procuravit, & excit'. In magnã dictæ dom̃ reg' pac' perturb', ac cõt̃ form̃ diverſ. ordiñ ac statutorũ hujus regni sui Angliæ, in hm̃di casu ante hac ꝓvisorũ ac æditorum.

Against a Barrettor.

Sect. 76. INquiratur ꝓ Domina Regina, si R.E. nup de G. in com̃ D. Yeoman, xx. die &c. apud G. prædˊ in com̃ prædˊ, fuit, & adhuc est communis Barrectat̃, & pacis dict' dñæ Reg' perturbator, & oppressor vic' suoꝝ, & al̃ ligeoꝝ dict' dñæ reg' in com' D. prædˊ, ac communis malefactor, calumniator, & seminator litium & discordiarum int̃ vicinos suos p̃dˊ, ad magnum dispendium, gravamen, & perturbatioñ vicinoꝝ p̃dˊ, & aliorum fideliũ ligeorũ dictæ dom' reg' in com' D. p̃dˊ, contra ordinationes, leges & statut̃ hujus regni Angliæ, in hujusmodi casu æditˊ & provi.

vi. ac contra pacem dictæ Dominæ Reginæ coronam &c.

For an affray made at the time that the Assises and Gaole deliverie is holden before the Iustices of the Assise.

INquir̃ pro domin̄ Reg. si C.P. & W.C. &c. vi et armis, viz. gladiis, scutis, & pugionibus apud C præd̄ arraiat̄ et illicite congregat, tempore Assisar̄ dict̄ domin̄ Reg. adtunc apud C. præd̄ tentarum, necnon infra precin̄ ejusdem villæ, R.W. & R.H. earund̄ Assisar̄ Justic', ac Justic' dict̄ dominæ Reg. ad gaolam de I. in eod̄ com̄ de prisonariis in eadem existentibus deliberand̄ assign̄. circa deliberation̄ ejusd̄ gaolæ tunc apud C. p̄dict̄ existentibus, insult̄ & affraiam invicem fecerunt, ac magn̄ perturbation̄ Cur̄ dict̄ dn̄æ reg. ac Justic' suor̄ p̄d̄ tunc & ibid̄ existent̄, ac in terror̄ et p̄turbation̄ diversor. subditor̄ ejusd̄ dn̄æ reg tunc & ibid' existent̄, & in malum et p̄nitiosum exemplum omnium ligeor̄ dict̄ dn̄æ reg. ac contra pac' dict' dn̄æ reg. coron̄, & dignitat̄ suas, &c. Sect. 77.

For an affray and beating of one at the time of the Assises and Gaole deliverie, holden before the Iustices of the Assise.

INquis̄ si F.F. &c. xi. die &c. vi & armis, &c. Iustic' dict' dn̄æ reg. ad Assisas in com̄ pred̄ capiend̄, necnon ad gaolam ejusd̄ comit̄ apud W. in eodem Com' deliberand̄ assign̄. adtunc judicialiter sedent̄ & existent̄ in quendam W. C. in pace Dei & dict' dn̄æ reg. apud W. p̄d̄ existent̄, ex malitia sua præcogitata insult̄ fecit & ipsum W. cum quod̄ gladio quem idem F. in manu sua dextra adtunc & ibid̄ habuit & tenuit, percussit super caput suum, dans eid̄ W. C. diversas plagas, per quas ipsum W. in magno periculo vit̄ suæ posuit, ita q̄ de vita sua desperabatur, in magnum justicie & legum hujus regni Angl̄ contempt̄, & pernitiosu exēpl̄ alior̄, ac con̄ pac' dict' dn̄æ reg. coron̄ & dignit̄ suas, &c. Sect. 78.

Or thus:

INquir̄ p̄ dn̄a reg. si O.P. &c. decimo, apud T. præd' in com̄ E. præd', tempore Assisar̄, et generalis gaole deliberation̄ adtunc et ibid' ten̄t, et sedent̄ adtunc et ibid' Iustic' dict' dn̄æ reg. ad Assis. capiend' necnon ad gaolam dict̄ domin̄ reg' castri de T. præd' in com̄ præd' deliberand' assignat̄ vi & armis, et ex malitia sua precogitata, in, et super quend' I. C. nuper de S. in Comit̄ D. ȝeoman, in pace Dei, et dict̄ dominæ Regin̄ adtunc et ibidem existent̄, insultum et affraiam fecit, & ipsum Sect. 79.

verberavit, vulneravit, & maletract', & pref. O. adtunc & ibid cũ quodam gladio valoris 3. ſolid & quatuor denariorũ, quem idem O. in manu ſua dextra adtunc & ibid habuit & tenuit ꝓd Iohannem C. adtunc & ibid percuſſit & pupugit, dans eidem I. C. adtunc & ibidem quoddam vulnus ſive quandam plagam in latitudine unius pollicis, & profunditate quatuor pollicium, ita quod idem I. C. de vita ſua maxime periclitabatur, in magnam perturbationẽ tam præd Iuſtic' dictæ dom Reginæ, adtunc & ibid in Curia pred ſedeñ quam totius populi, & ligeorum ſubdit dictæ dom Reginæ de præd com S. adtunc & ibidem conſluenc' & attendenc', ac in magnum contempt dictæ dom Reg. ac in Iuſticiæ ibid exequend & adminiſtrand retardationẽ manifeſt', ac contra pac' dictæ dominæ Reginæ, coronã, & dignitat ſuas, &c.

For Buggerie committed by a Miniſter being an Italian, borne in the Citie of Rome, with a boy of fifteene yeares old.

Sect. 80. IUrat ꝓ dña reg. preſentant, qd A.B. nuper de C. in dicto com E. clericus (& alienigena in Civitate Romana Italiæ natus) decimo die Martii vi & armis, apud C. præd in com pred, añ Reg. dñæ nr̃æ Elizabethæ, Dei gratia Angl, Franc', & Hiberñ Reg. fidei defenſoris, &c. triceſimo, in quendam I.S. de C. ꝓd in dict' com E. puerum maſculum (ætatis non amplius quindecim annorũ, ac tunc ibid in quodam loco voc' le Arbze, in pace Dei & dictæ dñæ Reg. exiſtentem) inſultum fecit, ac cum dicto I. S. puero ꝓd ſceleratiſſime, felon, ac cont naturæ ordinẽ tunc ibid rem habuit veneream, dictũq; puer carnalit cognovit ac ſic cum eod puero peccat illud horribile, ac Sodomiticũ (Angl vocat Buggery) adtunc ibid felon commiſit, ac ꝓpetravit, cont pacem dict dñæ Reg. nr̃æ, ac cont form ſtatuti in hm̃di caſu ꝓviſi ac ædit.

For Burglarie in a dwelling houſe in the night time, for taking out of money out of a cheſt, and for the acceſſories before the offences, and the acceſſories after.

Sect. 81. INquirat ꝓ dom Reg. qd cum I.H. nuper de H. in com pred ꝑ yeoman, x. die Maii, añ Regiñ Reg. Eliz. &c. 34. vi et armis &c. dom manſionalem cujuſdam P. armig' apud H. præd in com E. præd circa horam decimam in nocte ejuſd diei, felon & burglariter fregit & intravit, & quadraginta libras in pecuniis numeratis, de bonis et catallis præd P. in quadam ciſta in domo ꝓd adtunc exiſtent invent felon cepit & aportavit, contra pacem dict' dñæ Reg. & ſi quidam Chriſtopherus G. nuper de H. ꝓd in com S. prædict' ꝑ yeoman, ante feloniam & burglar præd

p̄dict̄ p ipſum T.H. in forma pred̄ factam & ꝑpetratam, viz. ſexto die Maii, anno 14. ſupra d̄, eund' T.H. apud H. pred̄ in com̄ E. p̄dict̄ ad felon̄ et burglar̄ p̄d̄ in form̄ p̄dict' ſic faciend̄ felonice excitavit, abbettavit, & ꝓcuravit, contr̄ pac' dict̄æ dom̄ reginæ nunc, coronam & dignitatem ſuam. Et ſi quidam I. R. nuper de C. in com̄ S. p̄d̄ Yeoman, ſciens p̄f. T.H. feloniam p̄dict̄ in forma p̄dicta ſic feciſſe & ꝑpetraſſe eundem T.H. dicto decimo die Maii, anno ſupradicto, poſt felon̄ p̄d̄ p ipſum T.H. ſic factam & ꝑpetratam, apud H. p̄d̄ in comitatu S. p̄d̄ felonice receptavit, confortavit, et hoſpitavit, contr̄ pacem dict̄æ dom̄ reg. coronam & dignitatem ſuam.

For Burglary in a dwelling houſe in the night time, for the aſſaulting and putting in feare of them in the houſe, and for taking of money out of a cheſt.

INquirat̄ ꝓ dom̄ Regina, ſi N. H. nup de G. in com̄ E. p̄d̄ Y. T. E. nup de M. in com̄ p̄dict' Y. decimo die &c. inter horas undec' & duodec' in nocte ejuſd̄ diei, vi & armis, &c. domum manſionalem cujuſd' R. B. apud W. in pred̄ com̄ Ebor̄ felonice & burglar̄ fregerunt & intraver̄, & in ipſum R. B. adtunc & ibidem in eadem domo in pace Dei, & dict̄æ dom̄ reg. exiſten̄, inſultum fecerunt, eundem R. adtunc & ibidem in timore corporali vitæ ſuæ impoſuerunt, ita quod de vita ſua deſperabatur, & quatuor libr̄ in pecuniis numeratis in quadam ciſta infra domum p̄d̄ adtunc exiſten̄, de bonis, catallis, & pecuniis cujuſdam I. B. adtunc & ibid̄ inven̄, felonice & burglar̄ ceperunt & aſportaverunt, contra pacem, &c. ut ſupra. Sect. 82.

For Burglary in a dwelling houſe in the night time, the taking away of a ſilver ſalt, money, and three ſilver pins.

INquiratur ꝓ domina Regina, ſi W. H. nuper de S. in comitatu D. Dyer, R. C. nuper de M. in comitatu W. Yeoman, T. C. nuper de M. p̄dict̄ in comitatu W. p̄dict' Yeoman, & T. L. alias dictus L. nuper de M. p̄d̄ in p̄dict̄ comitatu W. Yeoman, & T. P. nuper de C. in comitatu S. Yeoman, ultimo die Octob. ann̄ regni Reg. Elizabethæ, &c. quarto, circa horam undecimam in nocte ejuſdem diei vi & armis, &c. domum manſionalem cujuſdam Marg. P. viduæ apud C. in p̄dict' comitatu S. felon̄ & burglar̄ fregerunt & intraverunt, & unum Salinum argenteum vocat̄ a ſilver ſalt, ad valentiam quinquaginta ſolid̄, x. l. in pecuniis numeratis, tres aciculas argenteas ad valentiam vi s. viii. d. & tres annulos argenteos valor̄ vi. s de bonis, catallis, & pecuniis præfat̄ Marg. adtunc & ibid̄ inven̄ felonice ceperunt & aſportaverunt, contra pacem, &c. ut ſupra. Sect. 83.

For Burglarie in a dwelling house in the night time, a woman then being in the house, and for taking away of xx.li. out of a cupboard in the house.

Sect. 84. IVratores ꝑ domiñ regina presentant, quod T.S. de W. in dicto coñ E. Taylor, quarto die mensis Febr̄, anno regni dictæ dominæ nostr̄ Eliz. dei gratia, Angl', Franc', & Hiberñ, regiñ', fidei defen̄, &c. vicesimo nono, vi & armis, &c. domũ mansionalem cujusdam N.G. de W. ꝑd̄ apud S. in dicto coñ Butcher, noctanter, viz. (inter horas decimam & undecim' post meridiē ejusdem diei) quadā I. uxore ipsius N. G. tunc in eadem domo in pace Dei & dict̄ dominæ regiñ existente, felonice & burglariter fregit & intravit, & viginti libras legalis monetæ Angliæ de bonis pred̄ N. G. in quodam abaco in dict̄ domo existente inventas, tunc & ibid̄ felonice cepit & asportavit, cont̄ pacem dict' domiñ regiñ tunc, coronam, & dignitatem suam.

For Burglary in a dwelling house in the night time, for assaulting and putting in feare of them in the house, intending to kill or rob them in the house, and the accessaries before the offence committed.

Sect. 85. INquirat̄ ꝑ domina regina, si F.M. nup de M. in coñ D. Joyner, duodecimo die Aprilis, anno &c. circa horam duodecimam in nocte ejusd̄ diei, vi & armis, &c. domũ mansionalem cujusd̄ T.C. sen̄ apud C. in coñ S. ꝑd̄ burglar̄ & felon̄ fregit & intravit, & super quosd̄ R.S. & I. B. adtunc & ibid̄ in pace dei, & dicte dom̄ reg' existent̄, insultum fecit, & eosd̄ R. &c. I. in corpor̄ timore vitar̄ suar̄ posuit, ea intentione ad interficiend̄, vel saltem ad spolianḏ pred̄ T. C. de bonis & pecuñ suis, ad grave damnũ ipsius T. & contra pac' dictæ dñæ reg', &c. *ut supra.* Et si G.B. nuper de C. pred̄ in coñ pred̄ Weauer, ante feloniam pred̄ in forma pred̄ sic fact̄ & ꝑpetrat̄, eundem F.M. apud C. pred̄ in comitatu D. pred̄, viz. vicesimo die Ianua. Anno &c. ut supra, ad feloniam ꝑdic' in forma pred̄ sic faciend̄ felonice excitaverunt, abbetaverunt, & procuraverunt, cont̄ pacem dictæ dom̄ &c. ut supra.

For burning of a dwelling house in the day time, with a pound of gun-powder put in a bundle of straw in the house, the owner of the house then being in the same house.

Sect. 86. IVratores pro dña regina presentant, quod A. B. nuper de C. in coñ E. pred̄ Victualer., octavo die mensis Iulii Anno regñ dictæ dñæ nostræ Eliz. Dei gratia Angliæ, Franciæ, & Hiberñ reg' fidei defensor̄ &c. Tricesimo, ad domũ mansional' E. F. de C. pred̄ in coñ pred̄ gener̄, in C. pred̄ in dict' coñ E. existen̄, vi & armis, inter horas sextā & septim̄ ante merid̄ ejusd' diei accessit & cum una libra pulver̄ tormēt̄ ad valenc' 12. denar̄ & face quadā ignita, quā dict' A.B. tunc et ibi-

dem

dem in manibus ſuis tenuit, ignem in quodam faſciculo ſtraminis tunc in dicta domo exiſtentis, ex malitia ſua precogitata felonice accendit, unde eadē domus tunc ibid totaliter cremata & combuſta fuit (eodem E.F. tunc in pace dictæ dñæ reg. in dicta domo ſua exiſten) Et ſi p̄d A. B. dicto 8. die Iulii, anno ſuprad, apud C. pred, domum manſionalem pred E.F. præd, modo & forma pred, voluntarie ex dict malitia ſua precogitata, & felonice incendit & combuſſit: contra pacem dict dom̄ reg. nr̄e, ac coronam & dignitatem ſuam.

For Burglarie and burning of a dwelling houſe in the night time, having an intent to rob it, and the putting of divers perſons in feare, then being in the houſe, and the acceſſories before the offence, and acceſſories after the offence.

INquir̄ p dña reg. ſi W.S. nup de O. in com̄ E. p̄d **Smith**, die Feb. &c. 13. circa horam 12. in noct ejuſd diei, vi & arm̄, viz. gladiis, ſcutis, baculis, arcubus & ſagitt, apud S. in pred com̄ E. ad domum manſionalem cujuſd I.C. ſimul cum aliis veniebat, ea intentione ad ſpoliand dict I. de bonis & catallis ſuis in ead domo tunc exiſt', ac ſi idem W. ſup tectu̇ ejuſd domus vulgariter nuncupat (**the couering of the houſe**) adtunc & ibid, cum una ſcala aſcēdebat & ſcandebat, ea intentione, p tectu̇ pred ad intrand et ingred in dom' illam. Ac ſi dictus W. ſimul cū aliis pred I.G.R.C.M.P. & F.G. in ead domo tunc exiſt' tant timor̄ corpor̄ tunc & ibid inferebant ita q̄ de vitis ſuis deſperabat, ac ſi dict W. ſimul cum aliis præd adtunc et ibid ex malitia ſua p̄cogit, eād dom' cum igne tunc & ibid felon cōburebat, pred I.G.R.C.M.P. & F.G. in ead domo exiſt', cont pac' &c. *ut ſupra.* Ac ſi W. R. de B. in Com' pred **yeoman**, & W.I. de S. in com' E. pred' gener ante felon pred' p ipſos I. C. & alios fact & ꝓpetrat pred W.S. præd' 27. die Feb. ann ſup̄d, apud W. pred' in com' pred' ad felon pred' ſic in forma p̄d' faciend' et ꝓpetrand' felon excitaver̄, ꝓcuraver̄, & abettaver̄, cont pac' &c. ac ſi pred W.R. & W.S. ſcientes pred' W. S. ſimul cum aliis ſuprad' felon pred' in forma pred' ſic feciſſe & ꝓpetraſſe, eund' W. S. poſtea, ſcz. 27. die Febr̄ anno pred' apud B. pred' in com' E. pred' felon recepet̄, confort, hoſpitaver̄ & concelaver̄, contra pac' dictæ &c. *ut ſupra.* Sect. 87.

For breaking and burning a barne with Corne of divers ſorts in it, as well in ſheafe as threſhed.

INquiratur p Domina Regina, ſi I.M. de D. in Com' M. **yeoman**, 3. die &c. apud I. in com' E. vi et armis quoddam horreum cujuſdam Sect. 88.

I.S.apud I. predᵉ in p̄d Com̄ E. ſituaᵗ et exiſteñ felon̄ fregit & intravit, & quibuſd̄ candelis tunc igne accenſis, quas I.M. tunc & ibid̄ in manibus ſuis tenuit ad tunc & ibid̄ ex malitia ſua precogit̄ & ex inſtigatiõ diabolica in hor̄ predᵉ cum diverſis granis & garbis, viz. trib⁹ quateriis hordei, & quatuor quateriis frumenti, & duobus modiis avenarũ, & 4. carectaᵗ hordei in garbis in eodem horreo adtunc exiſteñ, ignē accenſũ adtunc & ibid̄ voluntarie, & felon̄ impoſuit, & cum eod̄ igne adtunc & ibid̄ hor̄ predᵉ cum omnibus granis & garbis ſup̄d̄ in eod̄ horreo adtunc & ibid̄ exiſteñ voluntaᵗ, & felon̄ combuſſit, & totaᵗ cum igne illo felon̄ & voluntaᵗ conſumpſit. con̄ pac' dict̄ dñæ reg. &c. *ut ſupra.*

For maintenance in an Aſſiſe of Novel diſſeiſin, for to have the moity of the land in queſtion, and an hundred pounds in money.

Sect. 89. IUr̄ p̄ dña reg. preſentant, q̄ I. C.T.C. ac I.P. de O. in com̄ E. Yeoman, ac alii (de confederatione et covina predict̄or̄ I.C.T.C. & I.P. exiſteñ) quoddam placit̄ Aſſiſæ novæ diſſeiſiñ qd nup̄ ſummon̄ fuit in Cur̄ dict̄ dñæ reg. corã dilectis & fidelibus dictæ dñæ reg. I.S. & I.K. et aliis nup̄ Iuſtic' ipſius dom̄ reg. ad aſſiſam illam capiendam aſſignatis, p̄ bre ipſius dñæ Reg. inter W.S. querent̄, & I.H. tenentem, de quodam libero teñto in N. & S. in Com̄ E. predᵉ, (viz. p̄ medietate inde ſibi & heredibus ſuis imperpetuũ) viz. p̄ C.ſ. ſterling' in pecunia numerata in hac parte habenda, per conventionem inde inter præd̄ N.S. & prefatos I.C.T.C. & I.P. 20. die menſis Auguſti. Anno regni dictæ dñæ noſtræ Elizabethæ, Dei gratia, Angliæ, Franciæ, & Hiberñ regiñ, fide defenſoris, &c. Triceſimo apud O. predict' in dicto comitatu factam p̄ qd W.S. contra prefaᵗ I.H. dict' die, anno, & loco, aſſumpſerunt manutenend̄, & manutenuerunt. In magnum dict' dñæ reg. contemptum ac con̄ formam diverſorum ſtatutorum, hujus regni ſui Angl' in hm̄di caſu p̄viſ. ac æditorum.

For maintenance in an Aſſiſe of Freſhforce, to have part of the land in queſtion, and part of the damages to be recovered.

Sect. 90. IVratoꝛ p̄ſent̄ quod cum de communi conſilio regñ dom̄ E. nuper reg. Angl' primi p̄genitoꝛ dñæ reg. nunc proviſum ſit, quod nullus Miniſter vel aliquis alius manuꝰ placita, querelas, vel negotia, quæ ſunt in cur̄ dñi reg. de terr̄, teñtis, aut aliis rebus quibuſcunq; p̄ p̄te rei petitæ vel aliquo p̄ficuo p̄ conventiõ factã inde hēnd̄, nec aliquis jus ſũ ſub hm̄di cõditiõ alteri dimittat. Quid̄ W.P. &c. ſimul cũ R.S. &c. tali die

&

& anno quand querelam cujusdam Aff. friscæ forcie q̄ est in Curia dñæ Reg. nunc Civitatis E. coram E.B. Maiorē & C.D. vicecomē ejusd Civit sine brevi ipsius dñæ Reg. 2. consuet Civit pred, int quosd I R. & T. L. de uno messuag' cum ptin in Civit pred, pro parte ejusd messuagii, viz. pro medietate messuagii illius, sibi & hered suis imperpetuum, & alio proficuo, viz. pro medietate damnor in querela assise pred recuperand inde habend, p conventionem inter pref. I. ac pred W. & R. S. apud E. p̄d factum assumpsit manutenend, & manutenuit, ad grave damnum ipsius T.L. & cont form p̄visionis pred, &c.

For a Riotous assault and affray made upon a Vicar in his Church, and for the imprisoning of him in a paire of Stockes.

INquirat &c. A. T. &c. H. S. &c. & W.K. aggregat &c. 22. die Julii, &c. vi & armis, &c. apud C. in Com S. riotose, &c. in R.L. vicar Eccl Sect. 91. paroch' de C. pred, in pace Dei & dict dom Reg. in Eccl pred tunc exist' insult & affraiam fecer, & ipsum R.L. ab Eccl p̄d tunc violent & manufort extraxer & usq; eippos duxer, & ipsum impris. & maletractaver, & alia enormia ei adtunc & ibid intuler, ad grave damn ipsi' R.L. cont form stat in hm̄di casu edit & provis, & cont pac' dict dom, &c.

For absence from Church for six moneths upon the Statutes of primo & decimo tertio of the Queene.

IUratores p domina Regina super Sacramentum suum presentant, quod A.B. nuper de C. in Com p̄dict E. Ar, qui 10. die Julii ann reg. dominæ nostræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hiberniæ, reg. fidei defensoris, &c. Tricesimo, fuit ætatis 16. annorum & ultr, non accessit (Anglice **did not repaire**) ad Ecclesiam parochial de D. p̄dict nec ad aliquam aliam Ecclesiam, capellam, aut usualem locum communis precation & ibidem moratus fuit tempor communis precation, ad aliquod tempus infra sex menses tunc proxime sequentes, sed abstinuit ab eisdem (Anglice **hath forborne the same**) p spacium pred sex mensium contra formam cujusdam statuti apud Westm in Com Midd ann reg. dict dñæ Reg. nunc primo, pro uniformitate communis precation editi & provisi, ac contra formam statuti anno reg', dict dom reg. nunc 23. in hm̄di casu editi & provisi, ac in contempt dictæ dominæ reginæ nunc, & contra coronam, & dignitatem suam. Sect. 92.

For

For drawing a dagger upon one in the Churchyard, to the intent to ſtrike him.

Sect. 93. INquiſ̄ ꝓ dña reg. ſi O.F. de L. in com̄ E. ꝓd̄ gen̄ 8. die &c. in cemiterio Eccleſiæ paroch' de L. ꝑdict̄ in dicto Com̄, malitioſe extraxit pugion̄ ſuum in quend̄ I.S. de L. ꝓd̄ **Yeoman**, ea intentione ad ꝓcutiend̄ ꝓd' I. S. cum dicto pugione, cont̄ pac' dict̄ dñæ reg. nr̄æ nunc, ac cont̄ form̄ ſtat̄ in ꝑliamento dñi Ed. nup reg. Ang' ſex' tent̄ apud Weſt. in Com̄ Midd', anno reg. dicti dñi reg. 5. in hm̄di caſu proviſi, ac editi.

For fighting with a weapon in the Church-yard contrary to the Statute of Anno 5. Ed. 6.

Sect. 94. IUr̄ p̄ſent̄, ꝙ cum in ſtat̄ in ꝑliam̄to dñi E. nup reg. Ang' 6. apud Weſt. anno regni ſui 5. tent̄, edit̄, int̄ cetera ſtabilit̄ exiſt' &c. Quod ſi aliqua perſona ad aliquod temp' poſt 1. diem Maii, tunc ꝓxim̄ ſequent̄, malicioſe ꝓcuter̄ aliquam ꝑſon̄, cum aliquibus armis in aliqua Eccl̄ ſive cemiterio, vel poſt eund̄ 1. diem Maii, extraheret aliqua arma in aliqua Eccl̄, ſeu cemiterio, intent̄ ad ꝓcutiend̄ alium cum eiſd' armis ꝙ tunc quælibet p̄ſona ſic offendens & inde convict' ꝑ veredict̄ 12. hominum vel per ſuam ꝓpriam confeſ., vel ꝑ 2. legales teſtes, coꝝ Juſt' Aſſiſar', Juſt' audiend̄ & terminand̄ ſive Juſt' pacis in Seſſionib' ſuis, virtute illi' act' adjudicaret̄ ꝓ eoſd̄ Juſt' coram quib' talis ꝑſona ſic convinceret̄ ad habend̄ 1. aurium ſuar̄ abſciſſam, & ſi illa ꝑſona ſive ꝑſonæ ſic offend̄ non haberet ſive non haberent aliquas aures, ita ꝙ illiuſmodi pœnam ſubir̄ (ut preferт̄) ꝙ tunc ipſe vel ipſi ſignarent̄ in bucca, Ang' **cheek**, ferro candenti, Ang' **a hot iron**, habeñ hanc liter̄ F. ꝓ quam ipſe vel ipſi cognoſci & haberi poſſint pugnat̄ effector̄, & pugnatores, & ultra hoc quælibet talis ꝑſona foret & ſtaret ipſo facto excommunicat̄, ꝓut in eod' ſtat̄ pleni' continet̄. Quid̄ tam̄ G.B. nup de S. &c. 2. die Junii, &c. vi & armis, viz. &c. cum quod' pugion̄ in quend̄ T. C. in pace Dei et dict̄ dom̄ reg. exiſt' apud C. in com̄ E. ꝓd' in cemiterio Eccl̄ paroch' de C. ꝓd̄ inſult̄ fecit, & ipſum T. ſup caput ſuum adtunc et ibid' malitioſe percuſſit, et alia enormia ei intulit ad grave damnum ipſius T. et cont̄ pac' dict̄ dom̄ reg. &c. ac cont̄ formam ſtatuti ꝑdict̄, &c.

For abſence from the Church for certaine Sundaies and Feſtivall daies upon the Statute of primo of the Queene.

Sect. 95. IUr̄ ꝓ dña reg. preſent̄, ꝙ cum in ſtatut̄ in Parliamento dom' Elizab. Dei gratia, &c. anno Reg. ſui 1. tent̄ apud W. in Com' M. inter alia inactitat̄ et ordinat̄ exiſtet, quod poſt feſtum S. I. Bapt̄ anno regn̄ dict̄ domi-

domiñ Reg. omnis & ſingula perſona ſive perſonæ inhabitañ in hoc regno Angliæ aut aliquo alio dominiorum dict̃ domiñ reg., diligenter & fideliter, habentes nullam legalem ſeu rationabilẽ excuſationem abeſſendi, adnitentur adire ſuam parochialem eccleſiam vel capellam conſueram, vel ſup rationabile impedimentum, aliquem viſitatum locum, ubi communes precationes, & divina ſervitia, in actu illo mencioñ celebratæ fuerint tempore talis impedimenti, quolibet die Dominico, & aliis diebus ordinar̃, et uſitatis obſervari ut feſtivis diebus, et tunc & ibid̃ manere ſecundum ordinem & ſobrie, durante tempore precum communñ, prædicar̃, aut aliorum divinorum ſervitiorum ibid̃ utend̃ & miniſtrand̃, ſub pœna punitionis per cenſuras Eccleſiæ, & etiam ſub pœna, quod quælibet perſona ſic offend̃, forisfaciat pro qualibet tali offenſa 12. denarios levand̃ per gardianos Eccleſiæ parochialis ubi talis offenſa foret fact̃ ad uſum paupeꝝ inhabit̃ ejuſd̃ parochiæ de bonis, terris, & tenementis, talis offend̃ per modum diſtrictioñ, ꝓut in ſtatut̃ pred̃ continet̃, cumq; T.R. de D. in com̃ pred̃ arm̃ & A. ux' ejus, utroque eoꝝ exiſt' ætatis 16. anñ & amplius, ac exiſtent̃ parochian̄ eccl̃ pochial̃ de T. p̄dict̃, in pred̃ com̃ E. infra quam quid' eccl̃ cões precatioñ, & alia divina ſervit̃ in ſtatut̃ p̄dict̃ ſpec' poſt pred̃ feſt' nativit̃ S. Io. Bap. anno primo ſuprad', ſc. die dominico ꝓx' poſt feſt' S. Mich. arch. anno regni reginæ El. dei gratia &c. 12. diebus dominicis tunc prox' ſequent̃ & 8. aliis diebus feſtivalibus eaſdem 12. dies dominicas intervenient̃ dicebantur & utebantur, pred̃ I. & A. non habentes legalem nec rationabilem excuſationem, ſeu impediment̃ abeſſendi ab eccl̃ p̄d̃, in diebus pred̃ tempore pred̃ communñ precum, prædicationum, & divinorũ ſervitioꝝ ibidem tunc dictorum habitorum & miniſtratorũ, nõ ſolum non adnitebantur adire Eccleſ. parochial̃ de D. præd̃ exiſtẽ eorum Eccleſiam conſuetam, in predicto die domiñ proxim̃ poſt prædictum feſtum ſancti Michaelis arch. anno regni dictæ dominæ reginæ nunc 34. ſupradict̃ & pred̃ aliis 12. diebus dominicis tunc proxim̃ ſequent̃, & prædict̃ aliis octo diebus feſtivalibus inter eaſd̃ 12. dies dominicas intervenient̃ tempoꝝ predict̃ communñ precatioñ & divinorũ ſervitiorum ibidem in diebus illis dictorum, habitorum, & miniſtratorum, ſed etiam odio habent̃ & contemnent̃ Euang' & ſalub' Dei verbum & dictam dominam reginam, & leges ſuas, ſeipſos volunt̃ abſentaverunt, & uterq; eoꝝ voluntarie ſeipſum abſentavit ab eccleſia præd̃ die dñco ꝓx' poſt feſt' S. Mich. Arch. anno regni dictæ dñæ reg' nunc 34. ſuprad̃ &c. p̄d̃ aliis 12. diebus dñcis tunc ꝓx' ſequent̃, et p̄dict̃ aliis 8. diebus feſtival̃ inter eaſdem 12. dies dominicas intervenient̃ tempoꝝ pred̃ communñ precum, predicatioñ & diviñ ſervicioꝝ ibidem in diebus illis dictoꝝ, habitoꝝ & miniſtratoꝝ, contra pacem & in contempt̃ dictæ dñæ reg. nunc & legem ſuam & coronam et dignitatem ſuam, ac

contra

contra formam ſtatuti p̄dicti, et pernitioſum exemplum maleſactorum, &c.

For taking of Conies in a free warren in the night time.

Sect. 96. INquiſ̄ &c. ſi E.D. &c. vi et armis, viz. baculis, falcaſtris, arc', & ſagit̄, et aliis arm̄ defenſivis, parcum, ſeu liberam warr̄ C B apud A. in comitatu p̄dicto D. circa horam decimam in nocte ejuſd̄ diei fregit & intravit, et in eodem parco ſive liber̄ warr̄, leporaris, liciſcis et retibus voc' **purſnets**, ſine licentia dict̄ T.B. venabant̄ et 40. cunic' valor̄ 13.s. 4.d. de bonis et catall' ipſius T.B. adtunc et ibid̄ invent̄ cepер̄ & aſportaver̄ ad grave dampnum ipſius T.B. et contra pacem, &c.

For conſpiring and combining to indict one for ſtealing of an horſe of one of the conſpirators, and for procuring of divers falſe ſuits to be brought and purſued in the names of the conſpirators, and of divers others againſt divers perſons.

Sect. 97. IUratores, &c. preſent̄, quod I. P. nuper de I. in predict̄ comitatu E. et R.B. nuper de C. in predicto comit̄ E. gener̄ una cum aliis quamplurimis perſonis adhuc ignot̄, contra legem domini regis ac formam ſtatutorum in hujuſmodi caſu proviſorum, conſpiratione & convina apud T. p̄dict̄ die, &c. habit̄, diverſis tempor̄ poſtea ſimul unit̄, confederati, et jurati falſo fraudulent̄ & malitioſe ven̄ ad vindic', deſtruend', perturband', placitand', adnihiland', et ſimilit̄ adnulland', fideles et innocentes ligeos dicti dom̄ regis p̄ lucro ad eorum proprium uſum capiendo, ſocietatem inierunt, et ad invicem jnraverunt, ad ſimul ſtandum contra dictum dominum regem, et quoſcunq; ligeos ſuos in omnibus et ſingulis materiis placitis & querelis, per ipſos et eorum quemlibet motis ſeu movendis. Et ſi eorum aliquis cum aliquo, placita, materiam, ſeu querel̄ moveret, quod ipſi et eorum quilibet cum eo, ſic materiam, querel̄, ſeu placitum movent̄ ſtare, et perſeverare deberent et deberet. Et ſi aliquis eorum aliquam querelam ſeu placitum nomine alterius perſonæ cujuſcunque, verſus aliam perſonam ſuper ſe aſſumpſerit manutenend̄ extunc eorum quilibet querelam, ſectam, ſeu placit̄ pred' tanquam querelam, ſectam, ſeu placitum, nomine eorum p̄ſecut̄, manuteneret, foveret, et teneret, recto, veritate, juſtic' et jure, omnino poſtpoſitis et ſublat̄. Virtute quorum quidem unitionis, conſpirationis, juramēt̄, confederationis et manutentionis, prædictorum I. P. R.B. & al' ſic in unum globat̄, et jurat̄, poſtea, videlicet die &c. Anno &c. conſpiratione inter eos apud C. in comit̄ p̄dicto, prehabita, quendam I.H. de eo quod ipſe die, &c. anno, &c. unum equum pret̄, &c de bonis et catall' p̄dict̄ I.P.R.B. apud S. invent̄ felonice furat' fuit cepit et abduxit falſo et malitioſe indictari p̄curaver̄. Et predict̄ I.P. & R.B et alii modo & forma p̄d uniti & confederati diverſa falſa placita, ſectas, & querel̄ innu-

innumerabiles, tam nominibus eorum ꝓpriis, quam nomiñ aliaꝝ perſonarum eis falſo & malitioſe congregat & unit̃ proſecuti fuer̃, & manutenuerunt & indies proſequuntur & manutenent, viz. ꝓd̃ I.P. ad hundred̃ domini P. militis apud C. ꝓd̃ 13. die anno &c. tenꝫ eod̃ I. adtunc Ballivo ejuſd̃ hundred̃ exiſten, ad ſtatum & poſſeſſionem R.S. & A. uxoris ſuæ adnullandꝫ: Et ꝓ eo ꝙ ad quamlibet curiam hundred̃ ibidem ſucceſſive tenend̃ pred̃ R. uxorem ſuam ibid̃ producere nequiret, ita ꝙ exceſſiva amerciamenꝫ in ſtatus eoꝝ depauperationem fierent & evenirent, conſideracion̄ taxatoꝝ amerciamenꝫ Curiæ ꝓd̃, ſemper decovina ꝓd̃ I.P. extiteꝝ, treſdecim querelas de placito tranſgreſ. nomine W.Y. & R.B. quatuor querelas tranſgreſſion̄ nomine W. E. abſq; vera materia ſeu juſta cauſa, ſeparaꝫ verſus ꝓd̃ R. S. & A. levavit & intravit, ac præd̃ querentes hm̃di querelas levare ꝓcuravit ad grave damn̄ ipſoꝝ R. & A. & conꝫ form̄ ordinationis in hm̃di caſu ꝓviſ. &c.

For a conſpiracy of divers Bakers touching the making of bread.

IUratores ꝓ dom̄ Regina preſenꝫ, ꝙ A.B. C. D. E. F. & G. H de M. in dict̃ com̄ L. Piſtores 2. die Octob. anno regni dn̄æ nr̄æ Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoꝝ &c. Triceſimo nono, apud M. præd̃, in com̄ E. pred̃ inſimul convenerunt, conſpiraveꝝ, ac mutuo inter ſe promiſeꝝ, ꝙ pañ denarii de integro frumento (ꝓ eos ſeu eoꝝ aliquem, tum deinceps faciend̃ ac vend̃) non amplius quam 2. libras & 6. uncias Troici ponderis habebit & ponderabit (qdcunq; impoſteꝝ foret unius quaterii frum̃ti p̄tium:) in dict̃ dn̄æ Reg. nunc contempt̃, ac in extrem̃ pauperꝝ dict̃æ dn̄æ reg. ſubditoꝝ gravamẽ, nec non conꝫ form̄ ſtatuꝫ in hm̃di caſu ꝓviſoꝝ & editorum. Sect. 98.

For the taking of unreaſonable diſtreſſe contrary to the Statute of Merton, Anno 52. H. 3. cap. 4.

IUraꝫ preſenꝫ ꝓ dom̄ Reg. quod cum in ſtatuꝫ in Parliam̃ tenꝫ apud M. anno H. 3. nuper Reg. Angl̃ 52. inꝫ cetera ordinaꝫ fit, ꝙ diſtrictiones ſint rationabiles & non nimis graves & qui diſtrictiõ fecerint irrationabiles & indebitas, gravit amercienꝫ propt̃ exceſſivam diſtrictiõ ipſoꝝ, prout in ſtatuꝫ p̄dict̃ plenius continetur. Quidam tamen A.B. de &c. ſtatuꝫ p̄d̃ & pœnam in eod̃ contenꝫ minime ponderans 12. die Junii, anno regni &c. duas vaccas de bonis & cataꝝ W.F. &c. apud G. &c. in eodem com̄ N. pro quinq; ſolid̃ in pecuñ numeratis irrationabil̃ & exceſſive diſtrinxit & ꝓ diſtrictione cepit ubi tempore diſtrictionis & captionis præd̃ &c. quarunlibet præd̃ vaccarum precium capitis erat xx.s. contra formam ſtatuti præd̃ &c. Sect. 99.

For

For the taking of a diſtreſſe out of his fee, and in the high way contrary to the Statute of Merton, Anno 52. H. 3. cap. 15.

Sect. 100. IUrat præſent pro domina Regina, qd cum in ſtatut in Parliamento tent apud M. anno H. 3. nuper Regis Angl 52. nulli de cetero liceat ex quacunque cauſa diſtrictiones facere extra feodum ſuum, nec in via regia, aut in communi ſtrato, niſi domino regi, aut miniſtris ſuis ſpecial authoritat ad hoc habentibus, put in ſtatut pred plenius continetur. Quidam tamen P. B. & C. D. de &c. ſtatut pd & pœn in eod content minime ponderantes 2. die Jun anno &c. 2. vacc de bonis et catall E.D. &c. apud F. &c. extra feod ipſor ſive ipſor alicujus in commun ſtrato voc &c. adtunc & ibid exiſtent diſtrinxer, & pro diſtriction cepe, nec tempore diſtrictionis pd A.B.C.D. non fuer miniſtri, nec aliquis eorum fuit miniſt dict dom reg. nec habuerunt, nec aliquis eorum habuit ſpecialem authoritat ad illud faciend, cont pac &c.

Againſt Egyptians upon the Statute of primo & ſecundo of King Philip and Queene Mary.

Sect. 101. IUrat præſent, qd cum in ſtatuto in parliamento domini P. & domin M. nuper Regis & Regin Angl apud W. x. die No. annis Reg. ſuorum 1. & 2. tent dict inter alia ordinatum exiſtit, &c. quod ſi aliqua perſona ſive perſonæ ſeipſos appellantes Ægyptianos qui tranſportarentur, vel conveiarentur in hoc reg. Angl ſive Walliæ continuarent & remanerent, infra idem, per ſpacium unius menſis, quod tunc ipſe vel ipſi ſic offenden, virtute actus pd adjudicat & æſtimati eſſent felones, & proinde ſuſtinerent pœnas mortis & forisfact terrar & bonorum, ut in caſu feloniæ juxta ordinem communium legum hujus reg. Et ſuper examen eor ſive alicujus eor, triarent in com, ac p inhabitantes illius com vel loci ubi ipſi vel ipſe apprehenderentur, ſive caperent, & minime p medietatem linguæ, & amitterent libertatem & privilegium Sanctuar & cleri prout in eodem ſtatuto plenius apparet. Quidam tamen M. P. & P. R. de &c. ſeipſos appellantes Ægyptianos, ſtatut pd minime ponderantes, nec pœnam &c. qui primo die Aprilis anno &c. in hoc regn Angl tranſportat & conveiati fuerunt, ab eodem primo die Aug. anno &c. ſupradicto uſq; decimum diem Sept extunc proxim ſequen apud C. in pd com E continuaverunt & remanſerunt in eodem, otioſas vitas ſuas non relinquent, nec ſeipſos in ſervit alicuj habilis & honeſti ſubditi hujus Reg. Angl collocar querentes, neq; ſeipſos in aliquo oper licito

licito sive occupatiõ honesta exercentes, in dom̃ reg' nunc contẽptũ, ac cont̃ form̃ statuti p̃d', &c.

Against Ægyptians upon the Statute of 5 of the Queene.

IUratores p̃sentant, &c. q̃ cum in Statut̃ in parliament̃ dñæ Reginæ nunc apud Westmoñ in com̃ Midd. 13. die Januar̃. anno Regni sui quinto tent̃, edit̃ inter alia, &c. q̃ omnis & singulæ persona & personæ quæ ab, & post prim̃ diem Maii, tunc prox' sequent̃ vitæ vel inventæ forent infra hoc Reg' Angl' sive Walliæ, in aliquo commercio vel consortio vagabundorum vulgo vocat̃, sive seipsos appellan̄ Ægyptianos vel seipsos simulantes, transmutantes sive fucantes, Angl' disguising p̃ eorum vestitum, locutionem, aut aliam gesturam consimiles hm̃i vagabundis communiter appellat̃ vel seipsos appellantibus Ægyptianos & sic facerent, continuarent & remanerent in eisdem, aut semel vel sæpe, p̃ spacium unius mensis, q̃ tunc ead̃ persona sive personæ virt̃ hujus actus estimatæ forent et adjudicarentur felo & felones, & proinde sufferent pœnas mortis, ac amissiõn̄ terrarum & bonorum, ut in casib' feloniæ, secundum ordinem communium legum hujus regni. Et super eo' sive alicujus eorum examinat̃ in hac parte triarentur in com̃ ac per inhabitantes comitatus vel loci, ubi ille vel illi apprehenderent̃ sive caperentur, & non per medietat̃ linguæ, & amitterent privilegium, & benefic' sanctuarii, & cleri, prout in eodem Statuto plene liquet. Quidam tamen A. B. C. D. &c. Statutum p̃d minime ponderantes nec pœnam in eodem content̃ verentes, post præd̃ primum diem Maii, scz. tertio die Aug. anno regni dom̃ regin̄ nunc 35. apud E. in com̃ præd̃, visi, & inventi fuerunt in commercio & consortio vagabundorum vulgo voc' & seipsos vocantium Ægyptianos, ac seipsos simulantium, transmut', & fucant̃, per eorum vestitum, locutionem, & gesturam, consimiles hm̃di vagabundis qui vulgo vocant̃ Ægyptiani, & sic fecerunt continuaver̃, & remanser̃ ibid̃, & alibi in eod̃ com̃, a præd̃ tertio die Aug. anno 35. supradicto usq; vic' diem Julii tunc p̃xim' sequent̃ in dictæ dom̃ reg' nunc contemptum, ac cont̃ form̃ Stat. præd̃ &c. Sect. 102.

For pulling out of eyes.

IUratores p̃ domina regina p̃sentant, quod A. B. de C. in dicto comitatu E. Tinker, nono die Septembris, Anno regni dictæ Domine nostræ Elizabethæ, Dei gratia, Angliæ, Franciæ, & Hiberniæ, Reginæ, fidei defensoris &c. Tricesimo nono, in quodam loco apud C. prædictam, in comitatu E. præd̃ (vocat̃ le Deane) vi & armis in quendam D. F. de C. predicta, in com̃ E. predicto ye coman, in pace dictæ Dominæ Reginæ Sect. 103.

Reginæ tunc ibidem existentem, insultum fecit, adtunc & ibidem ex malitia sua præcogitata, digitis & unguibus digitorum ipsius A.B. oculos ipsius D. E. felon effodit & eruit contra pac' dicti domini Regis nostri, coronam & dignitatem suam, ac contra form cujusd statuti in parliamento domini Henrici olim Regis Angliæ quarti, tento apud Westm' in com Midd, anno regni sui quinto in hmdi casu provisi & editi.

For cutting out of Tongues.

Sect. 104. Iuratores dicunt qd cum per statut in Parliamento domini Regis H. nuper Regis Angliæ, quarti, anno regni sui quinto, qd W. tento ædit, ordin sit, qd malefactores, qui linguas amputarent, vel oculos evellerent ligeorum domini Regis, hoc debit comperto & probato quod tale factum ex malitia præcogitata fuit perpetratum, pœnam feloniæ incurrerent, put in eodem statuto plenius continetur: quidam tamen I. L. de, &c. pœnam in dicto statut contentam minime verens, die &c. anno, &c. vi & armis, scz. &c. felonice ut felo dicti domini Regis, insidiand, & insultu præmeditat contra pac' domini Regis coronam & dignitat suam, in illa sua precogitat malitia venit, apud H. in com H. & in quendam N.M. adtunc & ibid in pace Dei, & domini regis existent, insultum fecit, & ipsum verberavit, vulneravit, ac quodam cultel, quem pd I.L. adtunc tenuit in manu sua dextra precii ii.s. linguam ipsius M. adtunc et ibid felonice eruit & amputavit, contra pac' domini Regis, &c. contra form et provis. statut præd &c.

An Indictment against a Gaolor for suffering of one committed to him upon suspition of felony for stealing of a horse to escape.

Sect. 105. Iuratores p domina Regina præsentant, qd ubi quidam A. B. nuper de C. in dicto com' R. Shwomaker, sexto die Maii, anno regni domine nostræ Eliz. Dei gratia, Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensoris &c. tricesimo quarto, apud C. predict' in com' K. prædict p suspitione cujusdam felonie (videlicet unius Equi, coloris albi, precii xl. solid felonice per eundem A. B. ut dicebatur capti & abducti) arrestatus est & captus et coram T. F. uno Justiciariorum dicti domini Regis ad pacem in dicto Comitatu conservandam assignatorum ductus, et super inde postea, viz. dictis, die, anno, & loco, cuidam B. D. in Comitatu K. prædicto Yeoman, custodi gaolæ dictæ dominæ Reginæ apud M. in dicto comitatu K. existenti (sub custod I. F. armigeri, adtunc vicecomitis comitatus K. prædicti, et custodis gaolæ prædict') per quoddam preceptum de Mittimus dicti T. F. Justiciarii, idem A. B. traditus est et commissus, ad salvo & secure custodiendum in gaola predicta, donec idem A. B. inde foret legitimo modo deliberatus; prefat tamen I. F. (tunc vicecomes postea, videlicet, sep-

ſeptimo die dicti menſis Maii, anno ſuprad, apud M. præd in com K. præd, prefatum A.B. (adtunc & ibidem in dictis gaola & cuſtod exiſtentem) à pred cuſtodia & gaola, adtunc & ibidē evadere & ad largū ire voluntariè, & felonicè permiſit, contra pacem dictæ domiñ regiñ; coronam, & dignitatem ſuam &c.

Another Indictment againſt a Gaoler, for ſuffering of a woman committed to him upon ſuſpition of felonie and murder to eſcape.

INquiratur pro domina regina, & cum quedam M. N. nuper de B. in pred.comitat E. Spinſter, 10. die April' añ &c. p ſuſpitione felonie & murdr p ipſam M. apud B. pred in com E. pd ſuper quendam W.P. fieri & ppetrari ſuppoſit, capt & arreſtat fuit apud B. pd in cum E. pred & eiſd die & anno pred M. cuidā Richardo B. de N. in com E. predict' Yeoman, cuſtod gaolæ dictæ dñæ regiñ com pd ſub Georgio P. armig' adtunc vicecom comitat pred & cuſtod gaolæ pred, per quoddam breve de Mittimus W.M. milit, & I.M. armig' duor juſticiar dict' dñæ reginæ, ad pacē in eodem comitat conſervand aſſign, ſalvo & ſecur cuſtodiēd tradita fuit, quouſq; eadē M. à cuſtodia illa ſecundum legem & conſuetud regni Angl, pro ſuſpitione murdr pred acquietat ſive deliberat foret; Si pred R.B. de N. pred in pred com E. Yeoman, poſtea ſcz. 26. die Novemb. anñ ſuprad apud M. pred in com E. pred, pred M. adtunc & ibidem in cuſtodia ipſius R. in gaol dictæ dñæ reginæ exiſtent, à gaola pred, adtunc & ibid voluntar & felonice evadere & ad largum ire permiſit, cont pacem dictæ dom reginæ nunc &c. Sect. 106.

An Indictment againſt divers, for ſuffering of one which had confeſſed a felony before a Iuſtice of Peace, and delivered to them by the ſame Iuſtice of Peace to be by them conveyed to the gaole, negligently to eſcape.

IUratoꝝ p domina regina preſent q cū I.B. nup de C. in pred com E. Miller, 8. die Decemb. anñ regni reginæ Eli. &c. primo, clauſum cujuſdam I.G. apud C. pred in com E. pred fregit & intravit, ac unam juvencam coloris Browne precii xx. s. de bonis & catallis dicti I.G. adtunc & ibidem invent felonice cepit, effugavit, contra pacem dictæ dñæ reg', Et p felon pred p pref. I.B. ſic fact' & ppetrat, arreſtat fuit, & coꝝ G.R. armig' uno juſt' dictæ dñæ regiñ ad pacem in com pred E. conſervand aſſignum, necnon &c. p pred I.G. ductus fuit, & coram dicto G.R. dictus I.B. felon pred confeſ. fuit, & ibid G.R. p breve de Mittimus, pref. I.B. pro felon pred ad gaolam dictæ dñe reginæ de I. in comitatu pred, qui buſdā I.C. de C. pd Yeoman, R.B. de ead Clothier, & Ric' M. de eadem Weauer deliberavit, ſalvo & ſecur ducend uſque Sect. 107.

gaolam p̄d' de I p̄d', ibidem morat̄ quousq; idem I.B. ab inde secundū legē & consuetud' regni Angl' deliberatus foret; Et si pred' I.C. R.B. et R.M. dicto 8. die Dec', anno suprad' pref. I.B. apud C. pred' in p̄d' com̄ E. in eor̄ custod' virtute deliberac' p̄d' sic existen, ibid' negligent̄ à custod' sua ad largum ire et evadere permiser̄, contra pacem dict̄ dom̄ reg', coron', et dignitatem suas &c.

An Indictment against a Coroner upon the statute of Anno 1.H.8. *for extortion in taking of a fee for his view of the bodie of one slaine* per infortunium.

Sect. 108. IVratores pro domina regina presentant, q̄ cū p statut̄ in parliam̄to dñi H. nup̄ regis Angl' 8. anno regni sui primo, ordinat̄ est, et stabil' existit, q̄ sup̄ requisit Coronator̄ fact' ad veniend' et inquirend' sup̄ visum corpor̄ alicujus person̄ p̄ infortunium occisæ, mensæ, seu alit̄ mort̄, Coron̄ pred' diligenter faceret officiū super visum corporis cujuscunq; talis p̄son̄, vel personar̄, absq; aliqua de p̄inde capiend', sub pœn̄ q̄ quilibet Coronator, qui officio suo ut pred' est fungi recusaverit, vel rem aliquā ceperit pro functione officii pred', sup̄ visum corporis alicujus p̄son' mortuæ p̄ infortunium, pro quolibet tempore xl. s. p̄ut in statut̄ p̄d' plenius continet̄. Quidam tamen W. B. de H. in com̄ p̄d' gener̄ 12. die Dec' &c. adtunc exist' unus Coronator̄ dict̄ dom̄ regin̄ in com̄ E. pred', apud M. in com̄ E. p̄d', color̄ offic' sui p̄d' extors. & injurioſe cepit p̄ feodo suo 20. solid' de quodā R.S. de B. in com̄ pred' Yeoman, p̄ executione officii sui p̄d' sup̄ visum corporis cujusd' Iohañ C. nuper de B. in com' E. Laboyer qui apud B. pred' in com̄ E. p̄d' 4. die Octob. anno &c. p̄ infortun̄ occis. fuit, in contempt̄ dict' dom̄ reg', ad grave damnum ipsius R.S. & contra formam statuti pred', & diversor̄ aliorum statutorum inde æditt & provis.

The like against a Coroner upon the statute of Anno 1.H.8.

Sect. 109. INquiratur pro dom̄ regina, si A.C. de B. in comit̄ E. gener̄, sexto die Iunii, Anno &c. unius coronator̄ dict' dom̄ regin̄ in dicto comitatu E. adtunc existens, apud B. pred', in comitatu E. pred' colore officii sui pred', extorsive cepit pro feodo suo 20. solid', de quodā I. S. in dict̄ com̄ gener̄, in, & pro functione & execut̄ officii sui predicti, sup̄ visum corporis R. N. nuper de B. pred' in comit̄ E. pred' (qui quidem R. N. 5. die dicti mensis Iunii, an̄ suprad' apud B. p̄d' in com̄ E. pred' casu, ab equo suo, p̄ infortuniū fuit occis.) in magnū dict̄ dom̄ reg' contempt̄, ac contr̄ formā statut̄ in parliam̄to dñi Henr̄ nup̄ reg. Angl' 8. tento an̄ regni sui primo, in hm̄di casu p̄visi ac æditi.

For

For Extortion by an Eſcheators ſervant, in breakong and entring into a dwelling houſe, and for ſeiſing and taking out of the ſame certaine leather by colour of his office.

IVratoꝝ ꝑ domina Regiñ ꝓſentant, ꝙ Rob. Bennet de P. in Coñ E. ꝑd Y. ſerviens & miniſter cujuſd B.T. Eſchaet dict' dñæ reg. coñ ꝑd 15. die Iulii, &c. apud W. in coñ pred domũ manſionalem cujuſd Ioh. M. fregit & intr, & 6. tergora corii voc' 12. **hides of græne Leather**, ad valenc' 8.ſ & 6. duodenas pell' vituloꝝ, voc' 6. **dozen of calues skins**, ad valenc' 4.ſ 10.s.q̃ quidẽ terg. et pell' adtunc & ibid' invent coloꝝ officii ſui extorſive et injuſte cepit, ſeiſivit, et aſportavit, ad grave damñ ipſi' I. contr leges & ordinat dict dñæ Reg' regni ſui Angl', et contra formñ diverſoꝝ ſtatutorum in hujuſmodi caſu edit & proviſ. Sect. 110.

An Indictment againſt the Regiſter of an Archbiſhop for his extortious taking of more fees then he ought, for the probate of a Teſtament.

IVratoꝝ ꝑ domina Regiñ preſentant, ꝙ A. B. de C. in dict Coñ generoſus, primo die menſis Aug' &c. adtunc ſcriba (ſive regiſtrari') reverendi in Chriſto patris D. tunc permiſſione divina E. Archiep' exiſtens, apud M. in Com' E. pred colore officii ſui pred, extorſive ac injurioſe cepit de quodam I.S. de M. pred in dicto Comit E. **Tanner**, duos ſolidos legalis monetæ Angl', ꝑ feodo ipſius A.B. ꝑſcriptione ꝓbationis unius teſtamenti cujuſd R. N. (qui quidem R.N. apud M. ꝑd infra diœceſim dicti D. Archiepiſcopi viceſimo quarto die Iunii, Añi ſupradict mortuus eſt) ubi revera idem Teſtament tunc ibid' allatum eſt ad dictum ſcribam (ſive Regiſtraꝝ) p dict I. S. in pergameno ſcriptum: & ubi omnia bona, Iura, et credita dicti R. N. dicto tẽpore dictæ mort ſuæ nõ excedebãt ſumma quinq; libr: et ubi etiã tota dicta ſcripꝰ ꝓbatioñ teſtament ꝑd' p ꝑf. ſcribã (ſive Regiſtr) ſic ut ꝑfert fact non cõtinebat in ſe 40. liñ quaꝝ quæq; linea erat dec' pollic' in longitudiñ. In magñ dict dñæ reg. cõtẽpt, ac cont form' cujuſd ſtatut in Parliament dñi Heñ nup reg. Angl' 8. tento anñ reg. 21. in hmõdi caſu ꝓviſi ac æditi. Sect. 111.

An Indictment againſt an Eſcheator upon the Statute of 33. H. 8. for ſitting and inquiring by colour of his office, without Writ of lands holden of the Queene above the yearely value of five pounds.

IVratoꝝ &c. quod cum in ſtatut in Parliament Domini H. nuper reg' Angl' octavi apud Weſtmonaſt. Anno regni ſui 33. &c. quod nullus Sect. 112.

eſcheator ſederit tantum virtute officii ſui ꝓ inquiſitione de tenur̄, titulo, vel valore aliquar̄ ter̄, tenementor̄, ſive hereditament̄, ubi ead̄ ter̄ ten̄ta, ſeu hereditament̄, ſint valoris 5. libr̄ ꝓ ann̄, vel ſupra, & ten̄ de domino rege ſine breve domini Regis ſibi inde dirigend̄ ſub pœna amittendi & forisfaciend̄ ꝓ quolibet tempore quo ſederet & faceret inquiſitiō cōtr̄ form̄ hujus ſtatuti quinq; libr̄, in qua ſecta, &c. Quidā tamen R. S. ſtatut̄ pred̄, &c. exiſten eſcheator dñæ reg' in Com̄ E. pred̄ tali die & anno, apud D. in pred̄ com̄ E. ſedebat, tantū colore officii ſui ad inquirend' poſt mortem cujuſd' A. E. de tenura, titulo, et valore duor̄ meſ. 40. ac̄ paſc', 30. ac̄ prati, 50. ac̄ paſturæ, & 20. ac̄ boſci, cum ꝑtinen̄ in O. in Com̄ E. pred' annui valoris decem libra̅ & ultra, & ten̄ de domina Regina, abſque aliquo brevi ipſius dominæ ſibi inde directo, in dictæ dominæ Reginæ contemptum, et contr̄ formam & ꝓviſionem ſtatuti pred', &c.

An Inquiſition taken before a Coroner upon the view of the body of one which had hanged himſelfe in a leather girdle upon the bough of a tree.

Sect. 113. INquiſitio indentat̄ capt̄ apud N. in comitat̄ pred' 13. die April̄ ann̄ &c. 35. cor̄ Iohann̄ N. gen̄, uno Coronat̄ dict' dñæ Reg' comitatus p̄d' ſuper viſum corporis cujuſd' H. W. de D. in Com̄ E. pred' ſho. ibid' mortui jacen̄ ꝑ ſacrament̄ &c. qui dicūt ſup̄ ſacrament̄ ſuū, ꝙ pred' H. 4. die Apr. ann̄ reg' dict' dñe Reg' 35. ſupradicto, circa hor̄ 4. poſt meridiem ejuſd' diei, deum p̄ oculis ſuis nō habens, ſed inſtigatiō̄ diabolic' ſeduct̄ in quodam prato cujuſd' W. S. gen̄ apud T. in p̄d' Com̄ G. voc' E. Meadow, adtunc & ibid' ſol' exiſtens, cū uno cingulo corii p̄cii 1. den' ꝙ ipſe adtūc et ibid' manib' ſuis tenuit et unū finem inde circa collū ſuum adtunc et ibid' poſuit, et circa ramū cujuſd' arboris ſalicis alter̄ fin̄ inde ligavit et ſe ipſum adtunc & ibid' volunt̄ et felonice ſuſpend', ſuffocabat, et ſtrangulabat. Et ſic Iur̄ pred' dicunt ſup̄ ſacram̄t̄ ſuū, ꝙ p̄d' H. W. modo et form̄ p̄d' adtunc et ibid' volunt̄ et felon̄, ut felo de ſe, ſeipſum murdravit cont̄ pac' dict̄ dñæ Reg' ac ꝙ idē B. nulla habuit bona ſeu catalla, ter̄ neq; ten̄ta. In cujus rei teſtimon̄ tam pref. Coronat̄ quā Iur̄ pred' preſent̄ ſigill' ſua appoſuer̄, dat̄ die, ann̄ et loco ſuprad'.

Of forcible entry upon the Statute of Ann. 5. R. 2. for pulling up by the rootes of 100. pearches of quickeſet.

Sect. 114. IN primis ꝓ domina Regino &c. quod cum in Statuto in Parliament̄ Domini Reg' nuper Regis Angliæ ſecundi poſt conqueſtum apud Weſtm̄ in Comit̄ Middl' Ann' reg' ſui 5. tent̄, ædit̄, inter cetera ordin̄ ſit quod nullus faceret ingreſſum in aliquam terram ſive tenementa, niſi

niſi in caſu ubi ingreſſus datur per legem,& in illo caſu, non manuforť, nec cum multitudine gentium, ſed licito & quieto modo tantum. Et ſi quis contraꝝ fecerit,& inde debite convict' fuerit, ꝑ impriſonamť corꝑ ſui puniatur, & finē ad voluntať dimini regis fac', prout in eoď ſtatuto inter alia plenius continetur. Quidam tamen T. H. de I. in coñ E. pred̄ **yeoman**, &c. & alii malefactores ignoť &c. ſtatutū pred̄ minime ponderanť ſecundo die M. &c. vi et armis viz. baculis, gladiis, falcaſtris,et biſurcis,in unum clauſum I.C.militis jacenť apud Arrow. in comiť E. pred̄, in quodam loco ibiď voc' A. ſuper poſſeſſionem ejuſď I.C.militis,ubi ingreſſus eis aut eorū alicui non datur per legem illicite ingreſſum fecerunt, et centum particas ſæpium vivaꝝ ipſius I.C. militis, adtunc et ibidem creſcenť eradicaveꝝ, evulſerunt,et ſpoliaveꝝ,in dictæ domiñ reg' nunc contemptum,& ad grave damnum ipſius I.C.militis, & contra formam ſtatuti pred̄ &c.

For Forcible entrie upon the Statute of Añ 5. R. 2. *for entring into a meſſuage, and expulſing of the owner thereof.*

INquiratur ꝑ domina regina,quod cum in ſtatuto in parliamēto doñ Rich. nuper regis Angliæ poſt conqueſtum 2. apud Weſtmoñ anno regni ſui 5.tenť ordinať et ſtabiliť exiſtit, ꝙ nulla perſona extunc faceret aliquem ingreꝝ in aliquas terras vel teneñť, niſi in caſu ubi ingreꝝ ei datur per legē, & in hñdi caſu, non manuforť, nec cum multitud̄ gentium,ſed quieto & pacifico modo tantū. Et ſi aliqua perſona extunc de cætero in contrarium faceret,& inde debito modo convinceretꝝ, puniretur per impriſonamenť corporis ſui, & ulterius finem et redemptioñ eidem domino regi, ad voluntatem & placitum ipſius doñ regis faceret,prout in eodem ſtatuto inter alia plenius continetꝝ. Sed quidam W. nuper de K.in coñ E.ꝑd̄ **Husbandman**, I.W. ſeñ de E. in coñ E. pred̄ **Husbandman**, & I.W.nuꝑ de E.pred̄ in coñ E.pred̄ **Laboꝛer**, ſtatuť pred̄ minime pondeꝝ, nec pœnam in eodem ſtatuto contentā aliqualiť verenť,ſed illud potius contemnentes,24. die Ianuaꝝ &c. apud S. in comitatu E pred̄, in unū meſſuagiū ſive tenemenť exiſtens libeꝝ teneñť cujuſdam I. H. illicite & manuforti ingreſ. feceꝝ, ubi nec ipſis nec coꝝ alicui hñdi ingreſ. datur per legē, ac ipſum I. H. inde injuſte expuleꝝ, ipſumque I.ſic inde expulſum, à pred̄ 24.die Ianuaꝝ anñ pred̄, uſq; ad 26.diem ejuſdem menſis tunc proxꝰ ſequenť, illiciť & manuforť extratenueꝝ, in contempť dictæ domiñ reg' nunc, et ad grave damnū ipſius I.& contra formā ſtatuti pred̄,ac contra pac' dictæ dominæ &c. Sect. 115.

An Indictment upon the Statute of Anno 8.H.6. for entring with force into a barne in the poſſeſſion of the farmer thereof, and for keeping of the ſame with force.

Sect. 116. IUratores p̄ domina regina, &c. quod cum in ſtatuto in Parliamento Domini H. nuper Regis Angliæ ſexti, apud Weſtm̄ in comit̄ Midd̄, anno regni ſui 8. tent̄, ædit̄, inter cetera continet̄, qd ſi aliqua perſona ſive aliquæ perſon̄, de aliquibus terris ſeu tenementis manufort̄ expuls. ſeu diſſeiſit̄ ſit, vel pacifice expellatur, & poſtea manufort̄ extr̄ teneat̄, vel aliquod feoffament̄ vel diſcontinuatio inde poſt talem ingreſſū ad jus poſſeſſoris defraudand̄ & tollend̄ aliquo modo fiat, habeat in hac parte pars gravat̄, verſus talem diſſeiſitor̄ Aſſiſam novæ diſſeiſin̄, vel breve de tranſgreſ. Et ſi pars gravat̄, per aſſiſam vel p actiōn tranſgreſ. recuperet & per veredictum vel aliquo alio modo per debit̄ legis form̄ inveniat̄, qd pars defend̄ in terr̄ & tenem̄ illa vi ingreſſa fuit, vel ea per vim poſt ingreſ. ſuum tenuit; recuperet quer̄ damna ſua ad triplū verſus talem defend̄, & ulterius idem defend̄ finem & redemptiōn dicto dom̄ reg' faceret, put in ſtatuto p̄d̄ plenius continetur. Quidam tamen W.W. nuper de W. in p̄d̄ com̄ E. Husbandman, & C.D. de W. p̄d̄, in p̄d̄ com̄ E. Laborer, ſtatut̄ p̄d̄ minimè ponderant̄, nec pœnam in eodē ſtatuto content̄ aliqualiter verentes, 19. die Febr̄ an, &c. in unum hor̄ apud W. p̄d̄ adtunc exiſten̄ liber̄ tenem̄ R.W. gener̄, vi & armis, viz. gladiis, &c manuforr̄ & illicit̄ ſuper poſſeſſiōn cujuſd̄ A.M. tunc firmarii p̄d̄ W. hor̄ p̄d̄ intraverūt, & ingreſſum fecerunt, & ipſum A. vi & arm̄ pred̄ ac manuforr̄ & illicitè tunc inde expuler̄ & ejecerunt, & p̄f. R.W. inde injuſte diſſeiſiverunt, et p̄f. R.W. ſic inde diſſeiſitum à p̄d̄ 19. die Febr̄, anno 15. ſuprad̄, uſq; diem captionis hujus Inquiſitiōn, de pred̄ horreo vi & armis p̄d̄, & manuforti extratenuer̄, & adhuc extratenent, in contempt̄ dict̄ dn̄æ reg' nunc, & ad grave damn̄ ipſius R. & cont̄ pac' dict̄ dn̄æ reg', ac cont̄ form̄ ſtatut̄ p̄d̄, ubi null' eor̄, nec ipſi, nec aliquis ali' cuj' ſtatū ipſi, aut aliquis eor̄ habuit aut habuer̄, inf. tres añ p̄x' ant̄ ingr̄ ſuū p̄d̄, aliquid in dict' hor̄, &c. aut in aliqua inde p̄cel̄ habuit &c.

An Inquiſition upon the Statute of Anno 8.H.6. wherein is found that one was with force and armes expulſed out of the poſſeſſion of a mannor and lands.

Sect. 117. INquiſitio capt̄ apud W. in com̄ S. primo die I. anno regni dom̄ Eliz. ab. Dei gratia &c. 35. coram R.W. milit̄ F.G. arm̄ R.F. Iuſtic' dict̄ dn̄æ reginæ ad pacem im com̄ pred̄ conſervand̄, necnon ad diverſa felon̄, tranſgreſſ. & alia malefacta in eodem comitatu perpetrat̄ audiend̄ & terminand̄ aſſign̄ per ſacramentum 12. Iur̄ exiſt' præſent̄, qui dicunt

ſuper

ſuper eorum ſacramen̄ qd cum in ſtatuto in Parliamento domini H. 6. nuper Regis Angl' apud W. Anñ reg.ſui octavo teñ, edit, inter cætera contineatur qd ſi aliqua perſona de aliquibus terris vel tenementis manuforti expulſa ſit vel diſſeiſita, vel pacifice expellatur, & poſtea manuforti extrateneatur, vel aliquid feoffamentum vel diſcon̄ inde, poſt talem ingreſſ. ad jus poſſeſſoris defraudand̄ ſeu tollend̄ aliquo modo fiat, habeat pars in hac parte gravata, verſus talem diſſeiſitorem, Aſſ. novæ diſſeiſin', vel breve de tranſgr. Et ſi pars gravata per Aſſ. vel p̄ actionē tranſgr̄ recuperet, & per veredictum, vel alio modo, per debitam legis formam inveniatur, quod pars def. in terras & tenemen̄ ill' vi ingreſſū fec' vel ea poſt ingreſſum ſuum, per vim tenuerit, recuperet querens damna ſua ad triplum verſus defend̄ & ulterius finem & redemptionē domino regi faciat, ꝓut ſtatuto pred̄ plenius continetur. Quidam tamen I.S. nuper de A. in com̄ S. pred̄ **Yeoman**, & alii ad numerum 6. perſon̄ Iur̄ ignor̄ ſtatutum p̄d̄ minime verent̄ 9. die Aug. anñ reg. dom̄ noſtr̄ Eliz. nunc Regin̄ Angl' 24. R.W. armig' de manerio de G. cum ptiñ in A. in com̄ pred', et de ducent̄ ac̄ terræ, 20. ac̄ prati, & centum ac̄ paſtur̄, cum pertiñ in A. pred' in com̄ pred' vi & armis, & manuforti, viz. gladiis, baculis, & cultellis, ꝓpulerunt & diſſeiſiverunt, & ipſum ſic expulſum, et diſſ. à p̄d' nono die A. anñ ſuprad̄ uſq; diem captionis hujus inquiſitionis, manuforti et vi et armis p̄d' R.W. extratenuerunt, cont̄ pac̄ē dict̄ dñæ Reg. nunc, et contra form̄ ſtatut̄ pred' in hoc caſu editi et proviſi.

For counterfeiting of a protection, and putting to it the great ſeale taken from other old letters Patents.

IVrator̄ p̄ſent̄, quod R.D. nup̄ de H. in com' H. **Husbandman**, & alii machinantes, quomodo populum dom' regis nunc ſubtiliſſime poterint decipere vel defraudare & dominū regem, de his que ad ipſum regem pertinent, & regalia ſua, ut de feod' magni ſigilli et hujuſmodi exhæredare, & veram legem Angl' à toto tempore uſitatam & approbatam ſubvertere et annullare, xvi. die Februar̄, &c. apud T. in comitatu M. deceptivè, falſo et proditorie, quaſdam falſas literas patentes, ad ſimilitudinem ſcript̄ Cancellar̄ domini Regis, contrafec' quaſi eſſent literæ patentes, de protectione ipſius Reg. ſub nomine I. K. clerici hanaperii Domini Regis, ac unius clericorum Cancellariæ prædict̄æ ſcript̄ hunc tenotem contineñ, viz. H. Dei gratia &c. **reciting the letters Patents verbatim.** Ac cum idem R.B. & alii, &c. dict̄as falſas literas patent̄ ſic ut premittit̄, contra feciſſent, non habentes magnum ſigillum dñi regis deceptorie, falſo, & proditorie, machiñ, qualiter ipſi falſas & fict̄as literas patentes hujuſdm̄ ſubtili° poterant ſigillare, & Sect. 118.

magnum ſigillum domini Reg. contrafacere. dict̃ 16. die Februar̃ anñ ſupradict̃ apud B. in Com̃ pred̃ quoddam magñ ſigillum domiñ reg' ſuper quaſd̃ patent̃ ipſius domini reg' p̃ante pend̃, & debit̃ impoſitum, acceperunt, aſſumentes ſibi regiam poteſtatem & ipſum reg̃ regali ſua auctoritat̃ (quant̃ in eis fuit) privant̃, adtunc & ibid̃ cum quodã cultello arripuerunt, & illis dictis falſis, fict̃ & contrafact̃ literis patent̃ decep̃ & p̃ditor̃ appoſuerunt, & annexerunt, & eaſd̃ literas ſigill', ſigill' ill' ſubtilit̃ recludendo, quaſi ſic non feciſſent, & ſic magñ ſigill' dn̄i reg' adtunc & ibid̃ p̃dict̃ contrafeceṙ, & cum permiſſa ſic feciſſent, dict̃ falſas & contrafact' litr̃ patentes, ac ut p̃d̃ ſigill', 8. die Mart̃, &c. apud villã de S. in Com̃ M. ac in diverſis locis ejuſd̃ Com̃, tanquam literas patent̃ ipſius dn̄i reg. de p̃tect̃, deceptor̃, falſo, & p̃ditor̃, public', & diverſas pecuniarũ ſummas, de diverſis ligeis dn̄i reg. recepeṙ, virtut̃ dictar̃ falſar̃, fictar̃ & contrafact̃ literarum patent̃, in deceptiõn̄, dn̄i reg. ac populi ſui prejudic', & exhereditatiõn̄ manifeſtam, &c.

An Indictment againſt a Miniſter upon the Statute of Anno 5. Hen. 8. for forging of an Indenture of bargaine and ſale of Lands.

Sect. 119. INquiratur pro dom̃ Reg. q̃ cum in ſtatuto Parliam̃to domini H. 8. nuper regis Angl' apud Weſtm̃ Anno regni ſui quint̃, tent̃, ædit̃, &c. quod ſi aliqua perſona ſive perſon̄ quecunque poſt primum diem Iunii tunc p̃xim̃ ſequẽt̃, ex ſua propria mente & imaginatione, ſeu per falſã conſpiratiõn̄ & fraudem, cum aliis, ſcienter, ſubtiliter, & falſo fabricar̃ ſive faceret, ſive ſubtiliter cauſaret, ſeu ſcienter conſentiret fabric' ſive fieri, aliquod falſum factum, chartam, ſeu ſcriptum ſigillar̃, Rotul' Curiæ aut teſtamentum alicujus perſone ſive perſonarum in ſcript̃, ea intentione, q̃ ſtatus liberi tenũti, ſeu hæreditatis alicujus perſon̄, ſive p̃ſonar̃, de, in, aut ad aliqua terras, tenementa ſeu hereditamenta libere tenuræ, aut cuſtomar̃, vel rectum, titulus, ſive intereſſe, alicujus perſon̄, ſive perſonarum, de, in vel ad eadem, ſive aliquod eorum, moleſtari, perturbari, deſtrui, recuperari, vel onerari, poterit, aut cõtingeret, aut poſt p̃d̃ primũ diem Iunii, p̃nunciaret, publicaret, ſeu oſtenderet in evidẽtiã, aliquod tale falſum, & affictum factũ, cartam, ſcriptum, Rotul' Curiæ, aut teſtamentũ, tanquam vera, ſciens eadem facta, falſa ac ficta (ut prefertur) ad intentiõn̄ ſupramen̄t, & inde foret convictus, aut ſuper aliquam actionem ſive actiones frabricandi falſa facta, ſuper hoc ſtatut̃ fundand̃ ad ſectam partis gravatæ, vel aliter, ſecundum ordin̄ & debit̃ curſum legum hujus Reg. Angl', aut ſuper billam vel informatiõn̄ in Cur̃ Cameræ Stell' exhibend̃, juxta ordinem & uſum Curiæ ill', ſolveret parti gravatæ, cuſtagia & damna ſua ad duplum, inveniend̃ ſeu aſſidend̃

assidend in curia ubi hujusmodi convictio foret, ac etiã statueretur super collistrigium in aliqua aperta villa mercatoria aut alio loco aper & ibid haberet ambas aures suas absciſſas, ac nares suas interscis' & in partes divisas, & ferro igneo cauterisatas, sic quod remanere possent p ppetua nota & signo falsitatis suæ & forisfaceret domiñ Reg' her & successor suis integr exitus & pficua terrarum & tenementorum suorũ durante vita sua, ac etiam sufferet & haberet perpetuũ imprisonamentum durante vita ipsi', pd damnis & custagiis recuperand ad sectã partis gravatæ (ut prefertur) primo solvendis & levandis de bonis & catal ostendentis, & de exitibus & proficuis dictarum terrarum, tenẽtorum, & hereditament hujusmodi partis convict, aut uni' seu utriusq; eorum pd titulo dict domiñ Reg' hered vel successorum suorum ad eandem non obstant, put in eod statuto inter alia pleni' liquet. Quidam tamẽ T.M. de C. in pd Com E. Clericus, statutum pd non ponderans, nec pœnam in eod contentam verens, post pd primum diem Iunii, scil. &c. apud T. in pred Com E. ex sua propria mente & falsa imaginatione, conspirat & coniva, quoddam falsum factum, viz. quand Indentur, p quã quidam T.A. barganizaret & venderet omnes illas terr & tenta vocat, &c. cum pertiñ in T. in pred Com E. cuidam I.S. scient, subtilit, & falso fabrica' & fecit, & eand Indentur tunc & ibid pnunciavit, publicavit, & legi fecit & in evidẽ ostendit, ad molestand, destruend, & pturband statũ, possessionem, titulum, & interesse pred T.B. in terr & tenẽtis pd, per q idem T.B. de possess. titulo, & interesse suis, ad tenement pred cum pertiñ multipliciter pregravat & vexat existit, in dict dom Reg' legisque sue contempt manifest', & ipsius T. damnum non modicum & gravamen, ac contra formam statuti pred, &c.

For foreſtalling the Market, and buying Salt fiſh by the way in comming to the Market.

INquiratur p domina Regina quod cum R.N. de Civitate N. in Com civit N. mercator possessionatus fuit de mille salsament & de suis bonis ppriis, si I.T. de civit N. pd **Fishmonger**, tertio die, &c. apud N. pd in Com pd civit N. & diverſ. aliis diebus tam antea quam post, pf. R.N. tunc & ibid obviand cum dict mille salsament in mercat civit pd in Com pred venditur pred mille salsam de pref. R.N. adtunc & ibid extra mercatum ill emit & forstallavit, per quod pd R. N. pred mille salsam ad mercat pred non adduxit in contempt domiñ Reg' ac contr formam diversorum statut in hũdi casu æditt & pvis. ac contra pacem dict domine Regiñ. Sect. 120.

An

An Indictment upon the ſtatute of Anno 33. H. 8. againſt a Tipler for keeping of a common bowling alley, and againſt divers others for uſing to bowle in the ſame alley.

Sect. 121. IUratoꝝ ꝓ domina Reg. preſentant, ꝙ A.B. de C. in Coñ E. **Tipler**, ſecundo die Septembris Añ &c. et continue poſt dict̃ diem Ann. ſupradicto uſq; primum diem menſis Octob. Añ ſupradicto apud C. præd̃ in coñ E. ꝑdict̃ quendam communem loc' jaciendi globos (voc' Angl' **a common bowling alley**) ꝓ lucro ipſius A.B. ꝓprio, & ad ludeñ tunc ibid̃ cum globis (Anglice vocat̃ **bowles**) illicite tenuit, cuſtodivit, ac manutenuit, contra formam cujuſd̃ ſtatuti in Parliamento dñi Henrici nuper reg. Angl' 8. tento anno regni ſui 33. in hm̃di caſu ꝓviſi et editi. E.ꝙ I.S. de O. ꝑdict̃ in dict̃ Coñ E. **Laborer**, & tres aliæ perſoñ ignoꝝ, dicto 2. die Septembꝝ añ ſuprad̃, dictum communem locum uſitaveꝝ, ac tunc ibid̃ cum globis (Angl' vocat̃ **bowles**) inſimul & illicit̃ luſerunt, contra formam ſtatuti ꝑdict̃, &c.

An Indictment upon the Statute of Anno 8. H. 5. for gilding of the hilt of a dagger with the fineſt gold.

Sect. 122. IUratoꝝ ꝓ dña Reg. preſent̃, ꝙ A.B. de S. in dict̃ Coñ E. Aurifaber 2. die Julii Añ &c. 35. apud S. ꝑdict̃ in coñ E. pred̃, quoddam manubrium pugionis ferrei (Angl' dict̃ **a dagger hilt of yron**) cujuſdam E. D. de S. ꝑdict̃ in dicto Coñ E. **Yeoman**, valoꝝ duorum ſolidoꝝ, auro puriſſimo ad valentiam quinq; ſolidorum deauravit (Anglice **did gilde with the fineſt gold**) in magnum Reipublice detrimenꝫ, ac contꝝ formꝫ cujuſd̃ ſtatuti in Parliamento dñi H. nuper Reg. Angl' 5. tenꝫ Añ reg. ſui octavo in hm̃di caſu ꝓviſi & editi.

An Indictment againſt a Blackeſmith, for ſelling of a gelding to a Scot to be conveyed into Scotland without the Queenes licence.

Sect. 123. IUratores pro domina Regina preſentant, quod quarto die menſis Julii, Anno regni dict̃ dominæ noſtræ Elizabeth. Dei gratia Angliæ, Franciæ, & Hiberniæ Reg. fidei defenſoris, &c. triceſimo quarto A. B. de C. in Comitatu E. **Blackſmith**, apud quendam locum vocatum **le Ferry** (in C. pred̃ in Coñ E. pred̃ exiſtentem) unum ſpadonem (Ang' dictum **a Gelding**) coloris albi, & pretii quatuor librarum legalis monetæ Angliæ, cuidam A. D. generoſo (natione homine Scoto) ꝓ ſumma quatuor librarum in pecuniis numeratis pred̃ A.B. per prefat̃ A.D. tunc ibidem ſolutis voluntarie vendidit. Ac tunc & ibidem, eundem equum eidem A. D. intentione ad equum prædictum in Regnum Scotiæ

Scotiæ abducendum & conveiandum (absq; aliqua speciali licentia dictæ dominæ regiñ nostr̃ nunc, p̄ literas suas patentes sub magno Sigillo Angl' ad idem sic faciendum inde prius obtenta) voluntarie & felonice tradidit ac deliberavit, cont̃ pac' dictæ dñæ reg' nostr̃ nunc, ac in enervationem hujus regni sui Angliæ, necnon contra formam diversor̃ statutor̃ in hujusmodi casu præantea p̄vis. et æditorum.

For beating of two horses, of which beating the one of them died presently, and the other was sore hurt.

INquirat̃ &c. si E.H. &c. decimo die &c. vi & arm̃, viz. &c. duos equos coloris albi, pretii, &c. de bonis & catallis cujusdam I. F. apud M. in p̄d̄ Com̃ E. invent̃ quodam baculo percussit & verberavit, in tant̃ qd unus equus equorum pred̄ ex percussione et verberatione illi⁹ ibid̄ incontinenter interiit, alterq; equor̃ p̄d̄ multipliciter fatigat̃, læsus & deteriorat̃ existit. Et alia enormia eidem I. F. intulit ad grave damnum ipsius I.F. & contra pacem dictæ dominæ Reginæ, &c. Sect. 124.

An Indictment upon the Statute of Anno 13. Ed. 3. *against the Inhabitants of a Towne for the not taking of such persons which had robbed one of C. li. the party robbed making Huy and cry, and giving notice to the inhabitants of the Towne of the robbery.*

INquiratur p̄ dom̃ Regina, quod cum in statut̃ in Parliam̃to dom̃ E. nup Regis Angl' primi, progenitoris dominæ reginæ nunc, apud Winton̄, anno regni sui 13. tent̃, ædit̃, inter cætera ordinat̃ sit, p̄ eo q̄, de die in diem roberiæ, homicidia, incendia domorum, & latrocinia, plus solit̃ tunc fiebant quam antea solebant, & felones non potuissent esse attinct̃ per sacram̃ Jurat̃, qui magis voluntarie permittebant felonias fieri gentibus extraneis, & felones evadere absq; pœna, quam malefactor̃ Indictari, ubi major pars fuerunt gentes de eadem patria, vel adminus, si malefactor̃ fuerunt de alia patria, eorum receptores fuerunt de visu ubi hm̃di malefacta fiebant, & hoc faciebant, p̄ eo qd sacram̃ eisd̄ Jurator̃ non ministrabantur, nec in patria ubi felon̄ illæ fiebant, & quoad restitutionem damnorum, pœna ante nunc non fuit provis. pro concelament̃ & negligentia suis. Idem nup rex p̄ posse hujusmodi felonias debilitand̄ & decrescend̄ stabilivit pœnam in illo casu, ita quod exinde magis pro timore pœnæ quam pro pavore sacram', nullis felonibus extunc parcerent, nec aliquis felonias extunc concelar̃, & q̄ proclam' fierent in omnibus Com', hundred̄, mercat̃, feriis, & omnib⁹ aliis locis ubi multitudo gentium foret assembl̄, sic q̄ nulli p̄ ignorantiam se possint excusare, & quod quelibet patria extunc sic possit custodiri, qd̄ Sect. 125.

instanter

instanter post roberias & felonias factas, recens insecut̄ fieret de villa in villam, de patria in patriam, & etiam inquisitiones fierent, si necesse foret, in villis per ipsum qui domiñ vel superior esset in villa, & postea in hundred̄ & francheſia, & in com̄, & aliquando in duobus, tribus, vel quatuor com̄, in casu quando feloniæ fact̄ fuer̄ in Marchiis & confiniis com̄, ita quod malefact' potuissent esse attincti. Et si patria de corporib' hujusmodi malefact' non responderet, pœna talis esset, q̄ quelibet patria, scz. homines in patria commorantes, responderent de roberiis fact̄ & damnis, sic quod totum hundred̄ ubi roberia facta fuit, cum franchesiis, quæ essent infra precinct̄ ejusdem hundredi responderet de roberiis factis. Et si roberia foret in diversis duorum hundredorum, in hujusmodi casu responderent inde ambo hundreda, simul cum francheſ. quæ forent infra precinct̄ hundred̄ pred̄, & longioris temporis spacium non haberet patria post roberiam & felonias factas, quā xl. die r̄, infra quos faceret emend̄ de roberia vel de malefact', vel responderet de corpor̄ malefact̄, ꝓut in statuto pred' plenius continetur. Ac cum quidam malefact̄ ignoti tertio die M. anno &c. apud N. in com̄ E. pred' quæ quidē villa est infra hundred' de H. vi & armis, viz. gladiis, baculis, & cultellis, in quendam O. C. insultum fecerunt, & cen̄ libr̄ de denariis ipsius O. ibid' invent̄, felonice ab eodem O. spoliaverunt, cepe r̄ & asportaverunt cont̄ pac' &c. ut alibi. Ac idem O. quam potuit citiss. post feloniam & spoliationem p̄d' factas, scz. quarto die M. anno &c. supradict̄ apud N. p̄d', p̄ totam eandem villā hutesium & clamorem de roberia pred' fecit, & notitiā inhabitantibus ejusd' villæ de roberia illa dedit, & post roberiam xl. dies jam præterierunt. Iidem tamen inhabitan̄ emend' de roberia p̄d' fact̄ O. hucusque non fecerunt, nec corpora felonū & malefact' prædictorum ceperunt, neque de corporib⁹ eor̄ hucusq; respondeˢunt, sed malefact̄ & felon̄ illos evadere ꝑmiserunt, in dict̄ dñæ regiñ nunc contempt̄, & ipsius O. grave damnū, & cont̄ form̄ statut̄ pred', &c.

An Indictment against divers persons upon the Statute of 1. H. 7. *for hunting by night in one of the Queenes parkes, and killing of a brace of Buckes with Crossebowes, and denying of the same upon their examinations.*

Sect. 126. IUratores ꝑ domiñ Regina præsentant, quod secundo die Augusti, Anno regni dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, et Hiberniæ Regiñ, fidei defensoris, &c. Tricesimo quinto, inter horas decimam & undecimam in nocte ejusdem diei, A. B. de C. in dicto comitatu E. generos. D. E. et G. H. de F. in dicto comitatu E. Husbandman, aggregatis sibi nonnullis aliis malefactoribus ignotis, ad numerum sex personarum, vi & armis, videlicet, prælongis baculis, arcubalistis,

baliſtis, & ſagittis, clauſum & parcum dict̄ domine Regni noſtre apud O. in dict̄ comitatu F. fregerunt, intraverunt, & unum par damar̄ dict̄ domine Regine (Anglice vocat̄ **a brace of bucks**) in dicto parco adtunc & ibidem depaſcent̄ invent̄ illegitime venati ſunt, ac cum duobus ſagittis ex dictis arcubaliſtis emiſſis & ſagittatis, adtunc & ibidem occiderunt, & aſportaverunt, contra pacem dicte domin' Regine: Ac quod poſtea, die ſequente, viz. tertio die dicti menſis Auguſt, Anno ſupradicto T. S. tunc parcarius dictæ domine Regine, dicti ſui parci de O. pred' in comitatu E. pred' informavit apud C. predictam T. W. unum Juſticiariorum pacis dicte domine Regine, in dicto comitatu E. pred', de illicita venatione pred', modo & forma pred' facta, qui quidem Juſticiarius ſuperinde warrantum ſuum in ſcriptis poſtea, viz. dict̄ tertio die Auguſti, Ann̄ ſupradicto direxit cuidam K. M. uni Conſtabulariorum Huudredi de S. in comitatu E. pred' (in quo quidem hundred̄ ſite ſunt pred' villæ de C. & F.) eo tenore, ut idem Conſtabularius arreſtaret prenominatos A. B. D. E. & G. H. ac eoſdem coram eodem Juſticiar̄ duceret & haberet, ad eos de dicta illicita venatione examinād. Et qd dicti A. B. D. E. & G. H. poſtea ſcz. dicto tertio die Aug' Ann̄ ſupradict̄, coram dict̄ Juſticiario apud C. pred. in Comit̄ E pred' p̄ Conſtabularium pred' virtute dict̄ warrante adducti, ac p̄ eundem Juſticiar̄ per ſuam diſcretionem adtunc & ibid̄ de dict̄ illicita venatione, & de factor̄ in ea parte examinati exiſten̄, pred' tamen venationē voluntar̄ & felonice concelaverunt & eorū quilibet voluntarie & felonice concelavit: Contra pacem dictæ dominæ Regin̄ Coron̄ & dignitatem ſuas, necnon contra formam cuiuſdam ſtatuti in Parliamento domini H. nuper Regis Angl̄ ſeptimi tento Anno regni ſui primo in hujuſmodi caſu p̄viſi ac æditi.

Another Indictment againſt divers perſons for hunting in a parke in the night time, with three Greyhounds, and for killing a Bucke, and for uſing in the ſame parke a net called Buckeſtall.

INquiratur p̄ dom̄a Regina Si E. P. de C. in Comit̄ G. geñ, H. P, de C. in Comit̄ pred̄ geñ, & R. B. de C. in Comitatu pred̄ **Yeoman** 30. die Auguſti, Anno &c. circa horam duodecimam in nocte eiuſdem diei, aggregat̄ ſibi quamplurimis aliis malefactorib', & pacis dictæ domine Reginæ perturbatoribus ignot̄, vi & armis, viz. baculis ferro munit, arcubus, ſagittis, pugionibus & cultellis, & aliis armis tam invaſivis quam defenſivis clauſum & parcum Eliz. P. vidue apud H. Sancti Georgij in Com̄ p̄d̄, injuſte fregeř & intraveř, & damas ipſius Eliz. adtunc & ibidem in parco pred̄ cubant̄ & depaſcent̄, cum tribus canibus leporarijs vocatis **Greyhounds**, & uno rete vocat̄ **a Buckeſtall**, quod

Sect. 127.

in

in parco p̄d tenend̄, injuſte venat̄ ſunt & chaſiver̄, & unam damā vocat̄ a **Bucke**, adtunc & ibid̄ cum canib⁹ pred', riotoſe ceperunt, occider̄ & aſportaver̄, contr̄ pacem dict̄ dom̄ Regiñ, ad grave damñ ipſius Eliz. & contra form̄ ſtatut̄ in hm̄i caſu ædit̄ & p̄viſ.

An Indictment againſt divers for chaſing of a Bucke in one of the Queenes Foreſts with a Greyhound into coards, where he was hanged and killed.

Sect. 128. INquiratur p̄ domina Regina, ſi R.M. nup̄ de O. in Com̄ D. **Yeoman** R.P. nup̄ de P. in Com̄ D. pred̄ **Yeoman**, 39. die Auguſti Añ &c. foreſtam dict̄æ domiñ Reginæ de M. in Com̄ D. pred̄ fregер̄ & intraver̄ & unam damam vocat̄ a **Bucke** ad valenc' x.s. adtunc & ibid̄ inv̄er̄, ſine licentia & voluntate dict̄ dom̄ regiñ, cum cane leporario vocat̄ a **Greyhound**, fugaver̄ & chaſiaver̄, & dictam damam apud R. infra precinct̄ foreſte p̄d̄ cum funibus Angl̄ vocat̄ **halters**, ſuſpend̄ & occider̄ & ipſam damam ſic ſuſpenſ. & occiſ. injuſte cepер̄ & aſport̄, contra pacem dict̄ dom̄ Regiñ, &c. *vt ſupra.*

An Indictment againſt a Laborer upon the the ſtatute of An. 13. R. 2. for keeping of a Greyhound to courſe Hares and Conies, and for killing of a Cony with his Greyhound in a Conie garth, not having lands to the value of xl. s. by yeare.

Sect. 129. IUratores p̄ domina Regina preſentant, quod A. B. de C. in Com̄ E. **Labourer**, (homo laicus exiſtens) à Feſto S. Barthol' Apoſtoli, Anno reg. domine noſtre Elizab. Dei gratia Angliæ, Franciæ, & Hyberniæ Regine, fidei defenſor̄, &c. Triceſimo quarto, continue uſque in hunc preſentem diem, ſcz. decimū diem Decembr̄ tunc p̄xim̄ ſequen̄ apud C. pred̄ in Com̄ E. pred̄ habuit & cuſtodivit unum canem (Anglice vocat̄ a **Greyhound**, ad venandum & chaſeand̄ lepores & cuniculos: Et quod idem A. B. viceſimo ſeptimo die menſis Auguſti, Anno ſupradicto unum caniculum valoris 4.d. in quodam clauſo I.S. de C. predict̄ in dict̄ Com̄ E. generoſi (vocato **the Coniegarth**) infra parochiā de C. predictam in Comit̄ exiſtent̄ cum dicto cane venatus eſt & occidit, ubi idem A. B. nunquam habuit terras aut tenementa ad clarum annum valorem quadraginta ſolidorum. In dict̄æ dominæ Regiñ contemptum, ac contra formam cujuſdam ſtatuti in Parliamento dom̄ Richardi, olim Regis Angl̄ ſecundi, tento Añ reg' ſui tertio decimo, in hoc caſu p̄viſ ac editi.

An

An Indictment upon the ſtatute of Anno 38.Ed.3. *againſt divers Jurors in an Aſſiſe for taking of rewards to give their verdict, and alſo againſt an imbraceour in the ſame Aſſiſe.*

Iuratoꝝ preſentꝫ pro dña regina, ꝙ A.B. C. D. E.F. G. H. &c. compli- Sect.130.
ces I.K. **naming all the Jurors, &c.** Juratꝫ in quadã aſſiſa novæ diſſeiſinæ quæ nuꝑ ſummonita fuit corã dilectis & fidelibus dict' dñæ reg' I.B. I. C. & N. C. nuꝑ juſticiaꝝ dict' dñæ regiñ nunc ad aſſiſam illam capiendam, ꝑ breve ipſius domiñ regiñ inter W. S. & I.H. de teñtis in N. in pred' com' E. & poſtmodum (viz. die Lunæ &c. anñ &c. coram pref. I.B. I. C. &c. apud M. in comitatꝫ E. predꝫ ꝑ bꝛe ipſius dñæ reg'. Si non omnes capt poſitꝫ) ꝑ veredicto ſuo in hac parte dicendo, de pref. I.H. diverſas pecuniaꝝ ſummas, viz. A. B. de pd I. H. xl s. & alia dona, ſcz. panẽ. carnes, & vinum ad valentiã xx. ſolid illegitime ceperunt. Et pred I.K. (Imbraciator ejuſdem Aſſiſæ ad eandem ducendã & procurandam) de ꝑnominato W. S. ſummam x. marcaꝝ, 20 die Aug', anñ regni dict' dñæ nꝛæ Eli. Dei gratia Angl', Franciæ, & Hibeꝝ, regiñ, fidei defenſoris &c. triceſimo quinto apud M. predꝫ, in comñ E. predꝫ, illegitimñ ceperunt. In dict' dom' regiñ nunc contemptꝫ, ac contra formam cujuſd ſtatuti in parliam'to dñi Edwardi olim regis Angl' tertii anno reg' ſui triceſimo octavo, in hm'di caſu ꝑviſi ac editi.

Another Indictment upon the ſtatute of 38.Ed. 3. *againſt Jurors for taking rewards for to give their verdict in an Aſſiſe; reciting of the ſaid Statute.*

Iuratores dicunt, qd ubi in pliamento domini E. nuper regis Angliæ Sect.131.
tertio ꝓgenitores dom' regiñ nunc, anno regni ſui 38. tenꝫ. inter cætera concordaꝝ exiſtit, qd ſi aliqui juꝝ, in Aſſiſa, juꝝ, ſeu aliquibus inquiſitionibus capiendꝫ, inter dominum regem & partem, vel inter partem & partem, quicquid capiant, per ipſos, vel per alios, de parte conquerentꝫ, vel defendentꝫ. pro veredicto ſuo dicendo, & ſuper hoc, per proceſſum in quodam articulo de juꝝ, anno regni ejuſdem domini regis 34. factum convincantꝫ, ſive ſit ad ſectam partis, aut alterius cujuſcunque perſonæ, qui pro domino rege, aut pro ſeipſo proſequi voluerit ſolvat quilibet dictorum juꝝ. Decies tantum quantum ipſe recepit, & habeat ille qui ſectam produxit, unam medietatem, & dominus rex alteram medietaꝝ, & quod omnes imbraciatores, ducentꝫ & procurantꝫ tales inquiſitiones in patria, pro lucro vel proficuo, puniantꝫ eiſd modo & forma, ſicut juꝝ. ſi juꝝ vel Imbraciator ita convictus, non habeat unde in forma predicta ſatisfacere poſſit, habet impriſonamentꝫ unius

unius anni, ꝓut in ordinatione & concordia pred̄ continetur. Quidā T.H.& I.B.& I.C. jurat̄ in quadam assisa nove disseisine, q̄ nup̄ sum̄ fuit coram dilectis & fidelibus dom̄ reginæ I. A.I.C. & D.E. nup̄ just. dom̄ reginæ nunc, ad assisam illam capiend̄ assign', per breve ipsius dom̄ reginæ nunc, inter W.S.de L. & I. P. de ten̄ in R. & S. Et postmodum, viz. die, anno &c. coram pref. I. A.I.B.& I.C. apud W. p̄ bre dictæ dom̄ regin̄ si non omnes capt̄, posit̄ pro veredicto suo in hac parte dicendo, de prefat̄ I. H. diversas pecuniarū summas, viz. predict' T.H.xl.d. pred̄ I.B. xl.s. & pred̄ I. C. quinq; marcas xx. die Octobris anno &c. apud, &c. ceperunt, in dict' dom̄ reg' nunc contempt̄, ac cont̄ formā ordinationis & concordiæ pred̄ &c.

For inclosing of an old common lying to a Towne, upon the which common the inhabitants of the said towne have used to have common for all manner of beasts the whole yeare.

Sect. 132. IVratores presentant qd. est, & a tēpore quo non extat memoria, fuit, & esse consuevit apud villā de A. in com̄ M. quædam antiqua communia vic' M. eidem villæ adjacens, ac per spacium unius milliarii ab eadē villa extendens, ꝓ omnibus hominibus & tenent̄ infra villā pred̄ morā trahentibus, cum bobus, apris, porcis, bidentibus, & aliis averiis suis, p̄ totū annum infra communiam pred̄ depascend', quodq; omnes illi infra villā pred̄ moram trahentes, a tempore quo memoria homin̄ non existit, infra villā predict' communiam pro averiis suis pred̄ ibidē habere debuerunt & consueverunt, quo usque R. C. cūaliis ignotis de covina sui ei associatis vi & armis, scz. gladiis, baculis, falcastris, arcubus, & sagittis, die &c. anno &c. apud E. in parocia de A. pred', de cōmun̄ pred', injuria sua ꝓpria, & absq; titulo, clameo, seu possessiōn̄ p̄ ipsos habit̄, 1000. acr̄ ibid', cū sepib⁹ & fossatis sibi inclusit & obstipavit, & illas sic inclusas & obstipat̄, ut seperale solum suum à p̄d̄ die &c. usque &c. tenuit & occupavit, in prejudicium & dāmnum, nocumentm et impedimentum omnium hominum et tenentium p̄dictor̄, infra cōmunia pred' communiam habentium, necnon contra consuetudinem pred', et contra pacem dictæ dominæ reginæ &c.

For ingrossing of Barley growing upon the ground, to the intent to sell it againe.

Sect. 133. INquiratur pro dom̄ reg' si A.B.de M. in com̄ N. die et ann̄ &c. apud M. in parochia sancti Iohañ infra Ward **Bertret**, in com̄ civitat̄ N. emisset totū hordeū crescen̄ super super viginti acr̄ terr̄ apud M. in pred' com̄ N. ad intentionem dictum hordeum tenend' contra formam statuti

ſtat̃ in hm̃di caſu æditi & ꝓviſi, ac cont̃ pacẽ dict' dom̃ reg', &c.

For buying and ingroſſing of fortie quarters of wheat, to the intent to ſell it againe.

INquiratur, &c. ſi I.C. de N. **Dyer**, tertio die I. anno, &c. apud N. in Com̃ N. ac diverſis aliis dieb', tã ante, q̃ poſt, diverſa grana, viz. 40. quarterii tritici, &c. ad valenc' &c. emit et ingroſ. et in manibus ſuis tenuit, ea intentione ad revend' grañ p̃d', contra formã ſtatut̃ in hm̃di caſu æditi ꝓviſ. in contẽpt̃ &c. ac cont̃ pacẽ dict' dñæ reg', &c. Sect. 134.

For not keeping a light Horſe.

IVratores pro domiñ Regina preſent̃, qd ubi A. B. de C. in comit̃ E. generẽ, à primo die Iunii, anno regni dictæ Dom̃ nr̃æ Eli. Dei gratia, Angl', Franc', et Hiberñ Reg', fidei defenſoris, &c. triceſim̃ quarto, uſque in hunc præſentem diem, ſc. primum diem Maii, anno 34. ſuprad̃ terras et tenementa in C. præd in dicto com̃ E. eidẽ A.B. et hæredibus ſuis in feodo ſimplici, ad clarum annuũ valorem centum marcarum & amplius ultra omnes repriſas habuerit ac tenuerit: Idem tamen A.B. per totum tempus præd̃, viz. à dicto primo die Iunii, anno ſuprad̃ uſq; nunc, nullum habuit, cuſtodivit, manutenuit, aut ſuſtinuit equum caſtr̃ (Anglice dictum **a Gelding**) habilem et idoneum ꝓ levis armat̃ equite (Anglice, **able and méet for a light Horſeman**) in dictæ dominæ reg' contemptum, ac in magnum huj' regni ſui Angl' enervationem, necnon contra formã cujuſdam Statuti, in Parl' Ph. & M. nuper Reg' et Regiñ Angl', tento apud Weſt. annis regnor̃ ſuor̃ quarto et quinto, in hm̃di caſu ꝓviſi ac æditi. Sect. 135.

For Batterie and Maime by cutting off the right thumbe.

IVratores præſentant pro domina regina, qd 3. die Sept̃ anno Regni dñæ noſtr̃ El. Dei gratia Angl', Franc', & Hiberñ regiñ fidei defenſor̃ &c. Triceſimo quinto, A.B. de C. in comitatu Staff. **Taylor**, vi & armis quoddam clauſum cujuſdam I.S. apud C. p̃d', in comit̃ præd' fregit & intravit, et in dict' I.S. tunc ibid̃ in pace Dei & dict' dominæ regiñ exiſtentem, inſultum & affraiã fecit, ac eum gladio diſtricto, ad valentiam decem ſolid', quem dictus A. B. tunc ibidem in leva manu ſua tenuit, eundem I.S. crudeliter verberavit, ac dextrum pollicem dicti I.S. tunc ibidem uno ictu amputavit, ac ſic eundem I.S. nequiter et felonic' tunc ibidem maihemavit, ad grave incommodum ipſius I.S. ac cõt̃ pacem dict' dom̃ regiñ nr̃, coronam, et dignit̃ ſuã. Sect. 136.

For maintenance upon the Statute of Anno 31. H. 8. *against one maintaining in an action of debt.*

Sect. 137. IVrat̃ præſent̃, qd cum in ſtatuto in Parliamento domini H. nup̃ Regis Angl̃ 8. apud̃ Weſt. 28. die Aprił, anno regni ſui 31. inchoat̃, tent̃, & ibid̃ per diverſas prorogationes uſq; 25. diem Maii, anno regni ſui 32. prorogat̃ & continuat̃, & tunc ibid̃ ten̄ per dictum dominum Regem, cum aſſenſu dominor̃ ſpiritualium & temporalium ac communitatis in eodem Parliamento congregat̃, necnon authoritate ejuſd̃ Parliamenti, inter alia adtunc & ibidem in actitat̃ exiſtit, Quod nulla perſona ſive perſonæ cujuſcunq; ſtatus, gradus, ſive conditionis, ipſe vel ipſi, fuerit, ſive fuerint, extunc de cetero illicitè manuteneret ſive manutenerent, aut cauſaret ſive cauſarent, ꝓcuraret ſive ꝓcurarent, aliquam illicit̃ manutenent̃ in aliqua actione, demanda, ſecta, ſive querela in aliqua Curia dom̃ Regis, Cancellariæ, cameræ Stellatæ, albæ Aulæ, aut alibi infra aliqua dominia regni Angliæ vel Walliæ, ſive in marchiis earund̃, ubi aliqua perſona ſive aliquæ perſonæ habent, ſeu extũc imposterum haberent authoritat̃ virtute commiſſionis domini regis ſuarum literarum patent̃, vel brevis ad tenend̃ placita t̃ræ vę ad examinand̃, audiend̃, ſive determinand̃ aliquę titulũ de t̃ra, ſive aliquã materiã, vel teſtes concernent̃ titulum, jus, vel intereſſe aliquarum terrar̃, tenemt̃, ſive hæreditam̃t̃: Ac etiam qd nulla perſona ſive perſonæ cujuſcunque ſtatus, gradus, vel condition̄, ipſe vel ipſi, fuerit ſive fuerint, extunc in futuro illicitè retineret ſive retinerent, ꝑ manutentione alicujus ſectæ ſive placiti aliq̃ ꝑſon̄, aut aliquas ꝑſonas, ſive imbraſiaret vel imbraſiarent aliquos liberos tenentes vel juratores, aut ſubordinaret aliquos teſtes ꝑ literas, munera, ꝓmiſſa, ſive aliquę alium ſiniſtrũ labor̃ vel mediũ, ad manutenẽd̃ aliquam mater̃ ſive cauſam, aut ad diſturbation̄ vel impedimt̃ Iuſtic', vel ad ꝓcuration̄ ſive occaſion̄ alicuj⁹ ꝓjurii ꝑ falſum veredict̃, aut aliter in aliquibus curiis antedictis, ſub pœna forisfaciendi pro qualibet hm̃di offenſa x. ł. quarũ una medietas eſſet dom̃ regi, altera vero illi qui pro ead̃ ꝓſequi voluerit per actionem debiti, billam, querelam, ſive information̄, in aliqua Curia dicti dñi regis, ubi nullũ eſſon̄, ꝓtect', vadiac' legis, ſive injunctio, allocabitur, ꝓut in ſtatut̃ p̄d̃ int̃ alia plenius continetur. Quidã tamen T.L. ſtatut̃ p̄d̃ minime ponderans, quã actionem quæ fuit in curia dñæ reginæ, corã Iuſtic' ſuis de banco, int̃ quend̃ R.B. querent̃, et quend̃ T.D. de placito debiti, ꝑ pte dict' R.B. verſus p̄f. T.D. 27. die Iunii, añ regni dñæ nr̃æ Eli. nũc reginã Ang' 35. apud S. in p̄d̃ com̃ E. manutenuit et ſuſtẽtavit, in Iuſtic' manifeſtã retardation̄, et diſturbant̃, ac in dictæ dom̃ reg. nunc cõtẽpt̃ & p̄d̃ T.D. grave damn̄, ac contr̃ form̃ ſtatuti pred̃, &c.

For

For manſlaughter by Chance-medly, in thruſting of one into the belly with a long ſharpe piked ſtaffe.

IVrat̃ p domina Regina preſentant, q̃ A.B. de C. in dicto Comitatu E. Shomaker, decimo ſexto die Septembris, Anñ regni dict̃æ dñæ noſtræ Elizabeth̃æ, Dei gratia, Angliæ, Franciæ, et Hiberñ Reginæ fidei defenſoris &c. Triceſimo, apud C. præd̃ in com̃ præd̃ E. quendam E. F. nuper de C. præd̃, in Com̃ E. præd̃ Weauer, (cui tunc ibid̃ fortuito & caſu obviam venit) contumelioſis verbis laceſſivit, ac in eund̃ E. F. tunc et ibid̃ in pace dei ac dict̃ dñæ Reginæ exiſten̄, vi et arm̃ inſultũ fecit, & ventrem dicti E. F. tunc et ibid̃ cum baculo longo, cuſpide p̃acuta capitato (Anglicè voc' a long ſharpe piked ſtaffe) quem idem A. B. tunc ibid̃ in manibus ſuis tenuit, felonice pupugit et perfodit, dans eidem E. F. vulnus mortale in dicto ventre ſuo, latitudinis unius pollicis, & p̃ſunditatis ſeptem polliciũ, de quo quidem mortali vulnere idẽ E. F. tunc ibid̃ inſtanter obiit ac interiit, contra pac' dict̃ dñæ Reginã nunc, & contra coronã & dignitat̃ ſuas. Sect. 138.

For Manſlaughter.

INquiſ̃ pro domina regina, ſi R. S. nuper de D. in com̃ p̃d̃ E. Peoman, 19. die Decemb. Anñ &c. vi et armis, viz. &c. in quẽd̃ T. C. cum quodam candelabro ad valenc' 12. d. q̃ idem Rich. in manu ſua dextra adtunc et ibid̃ tenuit, eundem T. ſuper caput ſuum felonice p̃cuſſit dans eidem T. adtunc & ibid̃ unã plagã mortal̃, poſteaq; idem Rich. corpus ejuſd̃ T. adtunc et ibid̃ ad terrã p̃ſtrat̃ manibus genibuſq; ſuis tã dire & violenter quaſſavit, ita q̃ p̃d̃ T. de plaga & quaſſatione præd̃ inſtanter interiit, & ſic p̃d̃ R. præd̃ T. modo et forma præd̃ adtunc & ibid̃ feloñ interfecit, contr̃ pac' dict' dñæ regin̄, coron̄ &c. ut alibi. Sect. 139.

For ſaying and hearing of maſſe, contrary to the Statute of 23. Elizab.

IVratores preſentant p̃ dñã Reg. qd I. R. nuper de C. in com̃ prædicto E. Clericus 8. die Aprilis, Anno regñ dicte dñe noſtre Elizab. Dei gratia Angliæ, Franciæ, et Hiberniæ regiñ fidei defenſoris, &c. Triceſimo quarto, apud C. p̃d̃ in com̃ pred̃ E. voluntarie dixit, & celebravit unã Miſſam contr̃ form̃ cujuſd̃ ſtatuti in Parliam̃to dict' dñæ Regiñ tento apud Weſtmonaſteriũ in Com̃ Middleſexiæ, Anno regiñ ſui viceſimo tertio in hoc caſu proviſi et editi, et contra pacem dict̃ domine reg. coronam, et dignitat̃ ſuam: Et quod Maria B. de C. præd̃ Sect. 140.

in com̃ pred̃ E. vidua, dicto 8. die Aprilis, Anñ ſupradict̃ apud C. pred̃ in com̃ pred̃ E. interfuit preſens tempore dict̃ celebratioñ miſſæ pred̃ ac eandem miſſam (ſic ut prefertur dictam) adtunc & ibid' voluntarie audivit, contra form̃ ſtatuti pred̃, ac contra pacem coroñ & dignitat̃ dict' domine Regine noſtre.

An Indictment upon the Statute of Anno 1. *of the Queene, againſt a Prieſt for ſaying of Maſſe in the Veſtry of a Church, and for uſing in the celebration of the Lords ſupper other rites and ceremonies then is appointed in the booke of Common prayer in* An. 5. & 6. E. 6. *and againſt 2. others for hearing of the ſame Maſſe.*

Sect. 141. INquiſ̃ p̃ domina Regina, ſi G. C. nuper de E. in com̃ E. Clericus 26. die Martii, &c. apud E. pred̃ in Com̃ E. pred̃ in quodam loco ibid̃ vocat̃ **the veſtrie houſe**, juxta eccleſiã Parochialẽ de E. pred̃ in Com̃ E. pred̃ voluntar̃ uſus fuit privato alio ritu, ceremonia, forma et modo celebrationis Cœne dominice voc' **the Lozds ſupper**, quam in quodã libro intitulat̃ liber communis precationis & adminiſtratioñ Sacrament̃ & alior̃ rituum et ceremoniarum Eccleſiæ Anglicanæ, authorizat̃ p̃ actum Parliamenti tent̃ in annis quinto & ſexto Reg. Domini Edwardi nuper Regis Angliæ ſexti, declar̃ & mentionat̃ exiſtit, videlicet dicend̃ et celebrand̃ unam privatam miſſam, contra form̃ ſtatuti in parliamento dicte domine Reg. nunc apud Weſtm̃ anno regni ſui primo tent̃ edit̃ et proviſ. et contra pac' ejuſd̃ dñe Reg. coronam, &c. ut alibi. Et ſi T. B. nuper de B. in com̃ pred̃ **Yeoman**, & I. M. nuper de W. in Comit̃ **Labozer**, die & anno ſupradictis, apud W. prædictam in comitatu predicto, tempore celebrationis pred̃ Cœne Domiñ modo & forma pred̃ fuerunt preſentes, et voluntarie audientes Miſſam p̃d̃ in forma pred̃ dictam et celebratam contra form̃ ſtatuti pred̃ ac contra pacem &c.

For counterfeiting and uttering of money, one being acceſſary to the ſame after the offence committed.

Sect. 142. IVratores p̃ domina Regina preſentant, quod T. S. de W. in comitatu E. **Maſlor**, machinans dictam dominam Reginam, & populum ſuum callide et proditorie decipere, 20. die menſis Decembris, Anno regni dicte domine noſtre Elizabethæ Dei gratia Angliæ, Franc', & Hiberniæ Reg. fidei defenſoris &c. Viceſimo nono, unam peciam monete apud W. predictam, in comitatu predicto E de Stanno & aliis mixtis metallis, ad inſtar & ad ſimilitudinem, bonæ & legalis monete et cunei dicte Domine noſtre hujus regni ſui Angliæ (vo-

car

(vocat̃ Angl̃ a shilling, or peece of twelue pence) falſo & p̃ditor̃ fabricavit, cudit, & controfecit: poſteaq; viz. dicto die 20. anno ſupradicto, eandem peciam (ſic ut præmittitur, falſo & proditorie fabricatam & controfactam) diverſis ligeis dictæ dominæ Reginæ, pro vera & legitima moneta hujus regni ſui Angliæ apud W. prædictam, in comit̃ E. predicto, falſo & proditorie expoſuit & utteravit. In magnam ſubditor̃ dictæ d̃næ noſtr̃ deceptionem ac contra pacem dict̃ d̃næ noſtr̃ coronam, & dignitatem ſuam, necnon contra form̃ diverſor̃ ſtatutor̃ in ejuſmodi caſu proviſ. & æditt̃. Et quod M. (uxor T.A. de W. prædict̃ in dicto comitatu E. gener̃) ſciens prenominatum T. S. proditiõ præd̃ modo & forma præd̃ feciſſe, & commiſiſſe, eundem tamen T.S. poſtea, viz. ſecundo die Febr̃, anñ ſupradicto apud W. prædict̃, in com̃ E. prædict̃, receptavit, & confortavit, ac proditionem præd̃ concelavit, cont̃ pac' dict' dominæ Reginæ nunc, coronam, & dignitatem ſuam.

Againſt counterfeiting and uttering of money and gold.

INquiſ̃ pro domina regina, ſi R.W. nuper de H. in com̃ E. Smith, I.L. nuper de C. in prædict̃ comit̃ E. Glouer, & T.B. nuper de D. in prædict̃ com̃ E. Yeoman, Deum præ oculis ſuis non habentes, ſed inſtigac' diabolic' ſeduct̃, machinanteſq; dict̃ dominam reginam & populum ſuum callidè, falſo, deceptivè & proditor̃ decipere & fraudar̃, duodecimo die Martii, anno regni d̃næ Eliz. &c. ſexto, ſex pecias monet̃ apud B. præd̃ in com̃ præd̃ E. de cupro & aliis mixtis metallis, ad inſtar & ſimilitudinem bonæ legalis & curren̄ monetæ & cunei dictæ dominæ reginæ hujus regni ſui Angliæ, Anglicè voc' ſ̃hillings, necnon duas pecias è cupro, ære & aliis mixtis metallis, ad inſtar & ſimilitudiñ bonæ legalis & current̃ monetæ & cunei auri dict̃ dominæ regiñ regni ſui Angliæ, Anglicè voc' halfe Soueraignes, falſo & proditoriè fabricaver̃ cuder̃ & controfecer̃, ad quaſd̃ earund̃ peciar̃ ſic ut premittitur, falſo & proditor̃ fabricat̃ cuſas & controf. &c. diverſis ligeis dictæ dom̃ reginæ p̃ vera, legitima & current̃ monet̃ hujus regni Angliæ apud B. præd̃ in dicto com̃ E. & alibi in dict̃ com̃ E. poſtea deceptive, falſo, & proditor̃, expoſuer̃, ſolver̃, & utteraver̃ in magnũ p̃judicium, fraudem, & deceptionem ligeor̃ dict' dominæ regiñ, ac contra pac' ejuſd̃ domiñ regiñ coronam & dignitatem ſuam, necnon contra formam diverſor̃ ſtatutor̃ in hm̃di caſu æditor̃ & proviſ. Sect. 143.

For coyning of money.

INquiſ̃ p̃ domina regina, ſi H. H. nuper de B. in comitatu F. Taylor, Deum præ oculis ſuis non habens, ſed inſtigatione diabolica Sect. 144.

ſeducť, ut proditor dictæ dom̃ Regiñ quinto die Maii, anno &c. ſexdecim pecias monet voc' **ſhillings**, de falſo et mixt̃ metallo ad inſtar cunei hujus regni Angl', vulgariter vocat̃ **Quéene Elizabeth ſhillings**, apud B. præd', in com̃ E. præd', falſo, felonice, et proditorie contrefecit, frabricavit, et cunavit, contra pacem, ac contra form̃, &c. ut ſupra.

For coyning and uttering of gold.

Sect. 145. INquiſ. p̃ domina Regina, ſi H.A. nuper de B in com̃ E. **Laboꝛer**, et T.S. nuper de T. in com̃ prædict' **Laboꝛer**, die et anno &c. et diverſis aliis diebus et vicibus tam antea quam poſtea, Deum præ oculis ſuis non habentes, ſed inſtigac' diabolic' ſeduct', machinanteſq; dict̃ dominam reginam et populum ſuum callidè, falſo, deceptive et proditor̃ decipere et defraudare de injuria ſua propria abſq; authoritat̃, vari, ſive conceſſione Regiæ majeſtatis eis aut eorum alteri conceſſ. octo pecias falſæ monetæ, ad imaginem et ſimilitudinem peciarum monet̃ aut̃ Anglice voc' **golden ſoueraignes of r.s. a péce**, apud M. in com̃ E. præd', pro iniquo lucro et advantagio è cupro, falſo et proditor̃ deauraver̃, et eaſdem pecias falſo et p̃ditor̃ ſic ut præmittitur, fact̃, fabricat̃, contrefact̃, et cunat̃, diverſis ligeis dictæ dom̃ reginæ pro vera, legit̃ et current̃ moneta dictæ dom̃ regiñ regni ſui Angl' apud M. præd', in com̃ E. p̃d' xx. die Octob', anno ſuprad', ac diverſis aliis diebus antea et poſtea, deceptive, falſo, et proditor̃ expoſuer̃, et utteraver̃ in ſolutionem diverſis ligeis dictæ dominæ regiñ, necnon contra form̃ diverſor̃ ſtatutor̃ in hm̃di caſu æditorum et proviſorum, ac contra, &c.

Of murder by two with a weapon, and one acceſſorie before the offence committed.

Sect. 146. INquiſ. pro domiñ regina, ſi H.W. nuper de S. in com̃ E. **Tailoꝛ**, et W.C. de S. in com̃ E. præd' **Weauer**, primo die Martii, anno regni dom̃ Eliz. Dei gratia Angliæ, Franciæ, et Hiberñ regiñ, fidei defenſoris, &c. 4. apud C. in p̃ochia de S. pred' in com̃ E. præd', vi et armis &c. in quendam T.B. in pace Dei et dictæ dñæ reg', adtunc & ibid' exiſt', inſult̃ fecer̃, et p̃d' H.W. cum quodam falcaſtro Anglice vocat̃ **a Welſh hooke**, valor̃ 12.d. quem idem H. in utraq; manu ſua adtunc et ibid' tenebat, p̃d' T.B. ſup̃ dextrũ brachium p̃pe manum dextram adtunc et ibid' felonice percuſſit, dans eidem T. adtunc et ibid' cũ falcaſtro p̃dict̃ unam plagã mortal', profunditat̃ duor̃ pollicium, et longitud' quinque pollicium, de qua quidẽ plaga mortali, præd' T. adtunc et ibid' inſtanter obiit. Et ſic prædict̃ H.W. et W.C. apud S. predictam, in comitat̃ E. prædict', modo et forma prædict', præfat̃ T.B. felonice, ac ex malitia

ſua

ſua precogitat interfeceꝛ, & murdraveꝛ, conꝛ pac' dict dñæ regiñ uunc, coroñ & dignitat ſuas. Et ſi I.H.de S. ꝑd in coñ E.preꝺ **husbandman**, Accessaria. ante feloñ & murdꝛ ꝑd ꝑ ꝑfat H.& W.ſic in forma ꝑd Cõmiſſ.& perpetrat,viz.præd primo die Martii, anno &c.apud S.præd in coñ E.ꝑd prædictos H.W.& W.C.ad feloñ & murdꝛ præd, ſic in forñ præd faciend & perpetrand malitioſe & feloñ incitavit, abbettavit, & ꝓcuꝛ, contra pac' dict' &c. ut alibi.

Of Murder by two with weapon.

IVratoꝛ ꝓ domina Regina præſentant, quod A.B. nuper de C. in dict Sect.147. coñ E. **Blacksmith**, & D.E. de C. præd in coñ E. præd **Butcher**, ſeptimo die Septembris, Anno regni dictæ dominæ noſtræ Elizabethæ Dei gratia Angliæ, Franciæ,& Hiberniæ Reginæ, fidei defenſoris,&c. tricelimo,vi & armis ex malitia ſua premeditata, in quendam F.G. nuper de B. in dicto comit E. **Yeoman**, apud B. præd in coñ E.præd in quodam loco ibidem (vulgariter nuncupato **the bowling place**) adtunc & ibidem in pace Dei,& dictæ Dominæ Regiñ exiſten, inſultum fecerunt, et præfatus A. B. cum quodam gladio diſtricto, ad valentiam quinq; ſolidoꝛ, quem ipſe in manu ſua dextra adtunc & ibid tenuit, ipſum F. G. ſuper ſynciput ſuum voluntarie & felonice tunc ibid percuſſit,& eo ipſo ictu dedit eidem F.G. quandam plãgam mortalem, in longitudine trium pollicium, et in profunditate quinque pollicium & dimid', de qua quidem mortali plaga præd F. G. tunc et ibid inſtanter & immediate obiit. Et ulterius ꝙ ꝑd D.E. cum quodã baculo ad valẽtiam unius oboli(quẽ ipſe in manibus ſuis adtunc et ibid tenuit) ipſum G.F. adtunc et ibid voluntarie & feloñ ꝓcuſſit ſuꝑ caput ſuum, dans eidem F.G. unam aliam plagã mortal' in dicto ſuo capite, in longitud trium polliciũ,et in profunditat duorũ polliciũ,unde idem F.C.de plaga ultimo præd obiiſſet, ſi non obiiſſet de ictu illo priore præd', q̃ ꝑd A.B.ei primo dederat. Et ſic Iurat præd' dicunt, ꝙ ꝑnominati A. B. et D.E. dict' 7.die Septemb. anno ſuprad', apud B. præd' in præd' loco (voc' **the bowling place**) præd' F.G. modo et forma ꝑd', ex malitia ſua precogitat, volunt, et feloñ interfeceꝛ et murdraveꝛ, contra pac' dict dñæ Regiñ, ac contra coroñ et dignitat ſuam.

For a murder with a cudgell, and flying afterward.

INquiratur pro domina Regina, ſi I.S. nuper de T. infra Parochiam Sect.148. de C.in Comitatu E.prædict' **Laboꝛer**, 13. die Iulii, &c. non habens Deum præ oculis, ſed inſtigatione diabolic' mot et ſeductus,

ex malitia ſua p̄cogitat̄,vi & armis &c.in quendam Ric' N. apud C. in Comit̄ E. pred̄, adtunc & ibidē exiſten in pace dei & dict' dominæ Reginæ inſult̄ & effraiam fecit, ac uno bacillo vocato a Cudgell nulli' valoris,quem idem I.S.adtunc & ibid̄ in manu ſua dextra tenuit, eundem R.N. in dextram partem capitis Rich. adtunc & ibid̄ felonice p̄cuſſit, dans eidem R.adtunc & ibid cum bacillo præd̄, plagam mortal' longitudinis trium pollicium, & ꝑfunditatis unius pollicis, contundendo caput dict̄ Rich. de qua quidem plaga mortali, præd̄ R. apud K. in p̄d̄ com̄ E. p̄d̄ languebat à p̄d̄ 14. Iunii, Ann̄ ſupradict̄, uſq; 27. diem ejuſd̄ menſis Iunii,tunc ꝑxim̄ ſequen. Quo quidem 27.die Iunii anno ſupradict̄, p̄d̄ Rich' N.apud K pred̄, in p̄d̄ Com̄ E. ex plaga p̄d̄ mortali obiit.Et ſic p̄d̄ Iohañ S.eundem R. N. apud C. præd̄ in Com̄ E.præd̄, ex malitia ſua p̄cogitata modo & forma præd̄, felonice interfecit & murdravit, contr̄ pac' dict' Dñæ Reginæ Coronam & dignit̄ ſuas. Et ſic p̄d̄ Iohan. S. poſtquam ipſe feloniam & murdrū præd̄ ſic in forma p̄d̄ feciſſet & perpetraſſet, fugam fecit, contra pacem dict' dom̄ reginæ,&c. ut alibi.

Flying.

Of Murder and procurement in the high way.

Sect. 149. INquiſ̄ ꝑ domina Regina,Si P.P.nuper de L.in prædict̄ Com E. Laboyer, 22.die Octob̄ anno &c. inter horas ſextam & ſeptimam poſt meridiem ejuſd̄ diei,Deum præ oculis ſuis non habēs, ſed inſtigatione diabolica motus & ſeductus, ex malitia ſua præcogitata, vi & arm̄ &c. in quend̄ R.P.in via Regia apud P. infra parochiam de S.in Comit̄ E. præd̄ adtunc & ibidem in pace Dei, & dictæ dom̄ Regiñ exiſten inſultum fecit, & cum uno baculo valoris 2. d. quem idem P.P. adtunc & ibid̄ in manibus ſuis tenuit, eundem Rich' ſuper dextram part̄ capitis ſui, adtunc et ibid̄ felonice p̄cuſſit, dans eid̄ Rich' adtunc & ibid̄ cum baculo p̄d̄ unā plagam mortal' in longitudine duorum pollicium, & in ꝑfundit̄ dimid̄ pollicis, de qua quidem plaga mortali, p̄d̄ R.P.apud E. infra Paroch' de S.præd̄ in Com̄ præd̄ E. à præd̄ 22.die Octob. Añ 15. ſupradict',uſq;ſeptimum diem Febr̄,tunc ꝑxim̄ ſequen̄ languebat quo quidem 7.die Febr̄ anno 15.ſupradicto, idem R. P. apud E. præd̄ in com̄ E. præd̄, de p̄d̄ plaga mortali obiit. Et ſic Iuratores præd̄ dicunt ſuper ſacrament̄ ſuum præd̄,qd præd̄ P.P.ipſum R. P. infra parochiam de S. prædicta in Comitatu E. prædicto dicto ſeptim̄ die Februarii anno ſupradicto,ex malitia ſua p̄cogitat̄, modo & forma præd̄ felonice interfecit & murdravit, contra pacem dictæ &c. ut alibi. Et ſi Katharina P.uxor præd' R.nuper de L.pred',in comit̄ E.præd', Spinſter,ante feloniam & murdrum pred' p ipſum P. P. ſic in forma præd' factum & perpe-

Acceſſary by procurement.

perpetratū, viz. 21. die Octobr̄, anno 15. ſuprad̄ eundem P.P. apud L. prad̄ in com' E. prad̄ ad feloniam & murdrū pred̄, in forma prad̄ ſic faciend̄ & ꝑpetrand̄ felon̄ excitavit, abbettavit, & ꝑcuravit, contr̄ pac' dict' dn̄æ regiñ &c. ut alibi.

Of Murder and divers wounds, and acceſſarie by procurement.

INquiſ̄ ꝑ domina Regina, Si T. B. nup de S. in Com̄ E. prædict' ꝑson Sect. 159.
man, & H. O. nuper de S. in com̄ pred̄ Yeoman, 3. die Junii, &c. vi & armis ex malitia ſua precogitata, in quendam W. B. apud T. in comitatu E. prædicto, in quodum loco ibidem voc' H. adtunc & ibidem in pace dei & dict' domiñ Reginæ exiſtentem, inſultum feceſ̄, & prad̄ T. B. cum quodam baculo ad valenc' duorum denariorum quem ipſe in ambabus manibus ſuis adtunc & ibidem tenuit, ipſum W. B. ſuper poſteriorem partem capitis ſui felonice percuſſit, & dedit ei unam plag' mortalem latitudine quatuor pollicium, de qua quidem plaga mortali pred̄ W. B. immediate obiit. Et quod prædictus H. O. cum quodā pugione ad valenc' ſex denariorum, quem ipſe in manibus ſuis ad tunc & ibidem tenuit, ipſum W. B. adtunc & ibidem felonice percuſſit, dans eidem W. in gutture ſuo unam aliam plagam mortal' latitudine unius pollicis, & profunditate quinque pollicium, unde idem W. B. de plaga pred̄ immediate obiiſſet, ſi non obiiſſet de ictu pred̄ quem pred̄ T. ei dediſſet prius. Et predictus T. B. die & anno ſupradictis adtunc & ibidem cum quodam baculo ad valenc' duorum denariorum quem ipſe in manibus ſuis ad tunc & ibidem tenuit, ipſum W. B. ſuper poſteriorem partem capitis ſui felonice percuſſit, & dedit ei unam aliam plagam mortalem latitud̄ quatuor pollicium, de qua quidem plaga mortali prad̄ W. B. adtunc & ibidem immediate obiiſſet, ſi non obiiſſet de ictu prædicto quem predict' T. B. ei prius dediſſet. Et qd. prad̄ H. O. die & anno ſupradictis, cum quodam pugione ad valenc' ſex denariorum, quem ipſe in manibus ſuis adtunc & ibidem tenuit ipſum W. B. adtunc & ibidem felonice percuſſit, dans ei in gutture ſuo unam aliam plagam mortalem latitudiñ unius pollicis, & profundit̄ trium pollicium, unde idem W. de plaga prædicta immediate obiiſſet, ſi non obiiſſet de ictu predicto, quem prædict' T. B. ei prius dediſſet. Et ſi prædict' T. B. & H. O. dicto tertio die Junii, anno ſupradicto, apud T. prædict', in com̄ E. predict' in prædict' loco voc' H. pred̄ W. B. felon̄ interfeceſ̄ & murdraverunt, & ſi Eliz. B. nuper de S. pred̄, in com̄ E. prædictæ **Spinſter**, uxor prædict' T. B. & I. O. nuper de S. prædict', in pred̄ com̄ E. **Spinſter**, uxor p̄d̄ H. O. prad̄ tertii die Junii, anno ſupradict', in prædict' Comit̄ E. vi & armis &c. in predict' loco apud T. prædict', vocato H. ex malitia ſua præcogitata præſent̄ fuerunt,

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abbettantes, auxiliantes, & confortantes præd' T. B. & H. O. ad vulnerand' p̄d' W. B. & ad feloniam & murdrum præd' in forma pred' faciendum, felonice excitaver', & procuraver', contra pac' dict' dñæ Reg. coronam & dignitatem ſuas.

An Inquiſition of murder found before a Coroner upon the view of the body ſlaine, againſt one for killing of his Miſtris with a hatchet on the head, ſhe being then great with child.

Sect. 151. INquiſitio capt̄ apud H. in com̄ E. &c. coram me Iohan. S. uno coron̄ domini R. in comitatu præd', die Martis, &c. Anno &c. ſuper viſum corporis C. nuper uxoris P. B. de H. præd', apud H. præd' felonice interfect', adtunc & ibid' mortui iacent', per ſacramentum proborum & legalium hominum de villa de H. & trium aliarum villarum propinquarum, viz. S. N. & C. prout moris eſt, &c. ad inquirend' qualiter & quo modo præd' C. ad mortem ſuam devenit, viz. per ſacrament' A. B. C. D. &c. qui dicunt ſuper ſacramentū ſuum, &c. qd ubi prædict' C. die, anno, loco, & comit' prædictis, circa horam ſecundam poſt meridiem dicti diei Martis fuit in pace Dei, & domini Regis nunc apud H. pred' ubi venit quidam W. B. nuper de C. in comit' Wigorn̄ gen̄, felonice ut felo domini regis nunc inſidiand' & ex inſultu premeditato contra pacem eiuſdem domini Regis, coronam & dignitatem ſuas, die, anno, hora, loco, & comit' prædictis, in predictam C. magiſtram ſuam, quæ adtunc gravida fuit & vicina partui, inſultum fecit, & eandem C. cum quadam ſecuri vocatum, **an Hatchet**, precii 4. d. quam idem W. tenuit in manibus ſuis ſuper ſiniſtram partem capitis ſui felon' percuſſit, dans ei plagam mortalem, de qua quidem plaga mortali, eadem C. inſtanter obiit, & ſic pred' W. præfat' C. Magiſtram ſuam adtunc & ibid' felonice interfecit, & murdravit contra pac' &c.

An Indictment againſt a widow for procuring one to murder her child in her preſence after ſhe was delivered, by cutting the throat, and againſt the acceſſaries, before and after the offence committed.

Sect. 152. IUratō pro domina Regina preſentant, qd H. M. nuper de K. in pred' Com̄ E. vidua, gravida exiſtens cum quadam infante viva 24. Maii. Anno regni dict' Dominæ noſtræ Elizabethæ, Dei gratia Angl', Franc' & Hiberñ regiñ fidei defenſor' &c. Secundo apud K. pred' in com̄ E. præd', ex Dei providentia parturiit, & peperit unam plem femellā vivam, poſteaq; quedā Iana S. nuper de W. in dicto Com̄ E. vidua, apud K. pred', in comit' E. præd' vi & armis, ex malitia ſua p̄cogitata (dicto 24. die Maii, Anno ſupradict', circa horam undecimam ante meridiem eiuſd' diei) per conſilium, mandatum, & procurationem prædict' H. M.

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ac in præſentia ipſius H. M. in predict' ꝑplem femellam vivam inſultū fecit, & cum quodam cultello (ad valentiam unius denarii) quē eadē Iana tunc in manu ſua dextra tenuit, guttur ipſius ꝑplis femellæ adtunc & ibid' feloñ ſcidit, dans eidem proli femellæ quandam plagam mortalem in gutture ſuo p̄d', de qua quidem plaga mortali ꝑples femella p̄d', apud K. præd' in com̄ E. præd' adtunc & ibid' inſtanter obiit, Et quod præd' H.M. adtunc & ibidem felonice fuit præſens, cōfortans, & auxilians ad pred' ꝑplem femellam in forma pred' interficiendam. Et ſic p̄f. H. M. & Iana, præd' ꝑplem femellam ex malitia ſua precogitata, feloñ & voluntariè, interfecerunt, & murdraverunt, cont̄ pac' dom̄ reg. coronam, & dignitatem ſuas. Et inſuper Juratores prædicti præſentāt pro dicta domina regina, qd Georgius P. nuper de K. prædicta in dicto com̄ E. **Yeoman**, 19. die Maii, anno regni dictæ dominæ reginæ ſecundo, ac diverſis aliis diebus & vicibus, ante feloniam & murdrum prædict' in forma prædicta perpretrat̄ apud K. prædictam in comit̄ E. prædicto malitioſe & felonicè conſuluit, mandavit, procuravit & abbettavit, præd' H. M. ad prædictū murdrum voluntat̄ faciendum ac ad interficiendum & murdrandum dictam prolem femellam, contra pac' dictæ dominæ reginæ: Et ulterius, qd O. P. & A. B. de K. præd' in com̄ E. prædict' **Spinſters**, poſt murdrum & feloniam prædict' in forma prædicta facta, ſcientes præfatos H. M. & I. S. feloniam & murdrum præd' in forma prædicta feciſſe & perpetraſſe, ipſam tamen H.M. apud K. pred', in comit̄ E. prædict' (27. die dict̄ menſis Maii, anno ſuprad') felonice receptaverunt, & confortaver̄, contra pac' dict̄ domiñ reginæ nunc, coronam, & dignitatem ſuas.

An Indictment of petie Treaſon againſt a late ſervant for murdring of his Maſter, and the acceſſorie before the offence.

Iuratores pro domina Regina præſentant, qd A. B. de C. in comit̄ E. **Grocer**, nuper ſerviens B.D. de C. prædicta in dicto com̄ E. **Grocer** decimo die Septembris, anno regni dictæ dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ, Reginæ, fidei defenſor̄ &c. Triceſimo quarto, in domo manſionali prædict' B. D. apud C. pred' in com̄ E. præd' vi & armis, viz. cum gladio & pugione diſtrictis ad valenc' x. ſolidor̄ (quos idem A. B. tunc ibidem, in manibus ſuis tenuit) in prænominatum B. D. tunc magiſtr̄ ſuum tunc & ibid' in pac' Dei & dictæ Dominæ Reginæ exiſtentem, voluntariè & ex malitia ſua præcogitata inſultum fecit, & eundem B.D. tunc magiſtrum ſuum, adtunc & ibid' cum dicto gladio felonicè & proditoriè ſup caput ſuum fortiter & validè percuſſit, ita quod dicto ictu, caput ipſius B.D. tunc magiſtri ſui Sect. 153.

ſui tunc & ibid' in duas partes ſcidit, dans ei plagã mortal' : unde corpus dict' B. D. immediate ibid' ad terram cecidit, & dict' B. D. inſtãter ibid' de plaga p̃d', mortuus eſt. Et ſic p̃f. A. B. apud C. p̃d' ex malit' ſua p̃cogitata, eund' B. D. magiſtr̃ ſuum p̃d' modo & forma præd' voluit, nequit', felon', & ꝓditor̃ interfecit, contra pac' dict' dom̃ noſtr̃ nunc, coronam & dignitat' ſuas. Et ꝙ quidam I. S. de C. præd' in dicto com̃ E. **Grocer**, (ante ꝓditiõ præd' ꝑ præf. A. B. ſic ut præfertur voluntarie perpetrat' & commiſſam) viz. ſexto die Sept' anno ſuprad' eund' A. B. apud C. pred' in com̃ E. præd', ad ꝓditionem præd' in forma præd' ꝑpetranda & committend', felon' conſuluit, excitavit, & ꝓcuravit, contr̃ pac' dict' dom̃ nr̃æ Reginæ, ac contra coron', & dignitat' ſuam.

An Indictment of petie treaſon againſt a ſervant for breaking of his maſters houſe, and cutting of his throat with a trencher knife.

Sect. 154. INquir̃ &c. ſi I. M. de D. in com̃ M. **Yeoman**, homo ſerviens W. R. de S. in com̃ E. præd', & in ſervitio ipſius W. ꝑ hoc integro ann̄ retent̃ 12. die Maii ann̄ &c. apud S. in præd' com̃ E. dom̃ præd' W. R. adtunc magiſtri ſui exiſten̄ vi & armis &c. felon' fregit & intravit & in ipſum W. adtunc & ibid' in domo ſua ꝓpria in pace Dei & dictæ dom' reg. exiſten̄ inſult' fecit & cum uno cultello voc' **a trencher knife**, precii 2. d. q̃ idē I. adtunc & ibid' in manu ſua dextra tenuit, pred' W. felon' & proditor̃ ꝓcuſſit, & guttur ipſius W. m̃ri ſui adtunc & ibid. cũ cultello illo totaliter felon' & proditor̃ ſcidit, dans ei adtunc & ibid' quand' plagã mortal', de qua quid' plag' præd' W. adtunc & ibid' inſtant̃ moriebat', & ſic p̃d' I. M. præd' W. R. Magiſtr̃ ſuum adtunc & ibid' inſtant̃, modo & forma ſuprad', felon' & ꝓditor̃ interfecit & murdr̃, contra pac' dictæ dn̄æ reg. coron' & dignitat' ſuam.

An Inquiſition of murder taken before a Coroner, upon the view of the body, wherein is found one to be preſent and ayding to the ſame murder.

Sect. 155. INquiſitio capto coram A. B. uno Coronator̃ domini Regis &c. ſuper viſum corpor̃ I. S. &c. qui dicunt qd ita accidit apud M. in com' præd' E. die &c. circa horam &c. quod ubi pred' I. S. fuit in pace Dei, & dicti domini regis apud M. eiſdem die, anno, loco, & hora, ubi venit W. L. de M. & S. T. &c. ut felones dicti domini regis, & ex malitia ſua præcogitata, in ipſum I. S. adtunc & ibidem inſultum fecerunt, & præd' W. L. quodam pugione precii 4. d. quem ipſe in manu ſua dextra tunc tenebat, dict' I. S. ſuper ſiniſtr̃ part̃ corporis ſui, viz. ſubter aſellam percuſſit

cussit usq; ad cor suum, dando ei plagã mortalem, unde idem I.S. eadem hora tunc & ibid' obiit incontinent', & sic præd' W.L. pfat' I.S. apud M. pred' in præd' Com' E. felon' interfecit & murdravit cont' pac' dict' dñi reg. coron' & dignitat' suas. Et q̃ pd' S.T. loco, die, anno, & hora præd', præd' felon' fuit p̃sens, assistens, abbettãs, pcur', consort' & manuten' pf. W.L. ad felon' & murdrum præd' in form' præd' &c. In cujus &c.

For a Nusans of a common bridge in the Queenes high way, over a river, which is decayed, and not knowne who should repaire it.

Iuratores p dña regina presentant, qd pons publicus & cõmunis, situs in alta regia via super flumen de M. infra perochiam de A. in com' E. præd' (vulgariter dictus A.) est, & per aliquot annos iam px. elapsos fuit valde ruinosus, & in maximo decasu, ob defectũ reparation', adeo ut subditidict' dom' reginæ, in, super, trans, vel ultra dictũ pontem, p se, vel cum eor' equis, bigis, aut cariagiis, redire, aut transire, sine magno vitæ discrimine non audent aut possunt, ad cõmune nocument' omnium vicinorum, & cõpatriatarum in dict' com' E. habitantium, quorũ interest ratione negotior' suorũ illac transire: Et ulteri' q̃ prorsus nescitur, quæ personæ, quæve terre, tenement', aut corpora corporata & politica, eund' pontẽ aut aliquã inde parcel', ex jure, aut ex antiqua cõsuet', reficere & reparare debent, aut consueverunt. Sect. 156.

For a nusans of a bridge over a river in the Queenes high way which is decaied, and ought to be repaired by the Queene, by reason of a Manor.

Iur' present' &c. q̃ quidam pons situat' super aquã de Trent in paroch' de Newarke in com' S. voc' ꝑ. **Bridge**, existens in reg. via, est ruinos' & in magno decasu, ita qd ligei domin reg. in, p, super, vel ultra eundẽ pontem, absq; magno periculo transire seu laborare non valent, ad cõmune nocumentum omnium ligeor' dict' dñæ reg. trans & ultra pontem p̃d' transeunt' seu transire volentiũ. Et q̃ domin regiñ nunc, ratione tenure seu manerii de N. super T. cum ptiñ in Com' S. prædict' põtem illum facere, reficere, & emendare debet, & q̃ eadem dña Regina & omnes pgenitores sui, ac omnes alii quorũ status eadem dña regina modo habet in eod' manerio de N. super T. cũ ptiñ pontem illum facere, reparare, & emendare consueuer', de tempore cujus contr' memoria hominum non existit, toties quoties necesse fuit. In cujus &c. Sect. 157.

An Indictment against one for pulling downe of a stone bridge in a towne, over which the Inhabitants of the same towne have used to travell time out of mind.

Jura-

Sect. 158. Iuratoꝝ &c. ꝙ cum à tempore quo memoria hominum in contrarium non exiſtit, fuit quidam pons lapideus in W. in coñ E. p̄d̄ voc' A. per & trans quem quidem pontē omnes inhabitanꝫ villæ de W. p̄d̄ in coñ p̄d̄ per temp⁹ præd̄ habere conſueruntingreſſum & egreſſum ad quēdam locum vocatū H. ꝓ negotiis eorund̄ faciend̄, tamen I. F. de &c. tali die &c. & anno &c. vi & armis &c. pref. pontē effodit, ꝓſtravit, & ſpoliavit, & omnes lapid' eiuſd̄ pontis abinde aſporꝫ & abcariavit, ꝓ ꝙ inhabitanꝫ ibid' ingreſſū & egreſſū ad p̄d̄ locū ꝓ p̄d̄ negoꝯ ſuis faciend' habere non poſſunt, & alia enormia p eum tunc & ibid' facta ſunt ad grave & commune nocumenꝫ p̄d' vicinorum ibid' & contr̄ pac', &c.

For nuſance in the Queenes high way, by incloaſing of part by the way.

Sect. 159. Inquiſ̄ ꝓ domina Regina, ſi E.S. nuper de W. in coñ W. præd' gen̄ ſecundo die Maii &c. partē cuiuſd̄ viæ regiæ in W. in Coñ præd̄ ducenꝫ à W. præd̄ uſq; ad s. in eodem coñ viz. à præd̄ uſq; ad quandā foveam in S. præd' in præd' Coñ W. vocat̄ **le common pit**, in eadem via exiſtentem, cum ſepe & foſſa incluſit & obſtruit in eand' viam Regiā ſic incluſ. a præd' ſecundo die Maii, uſq; diem captionis hujus inquiſitionis, in paſturam convertebat, & adhuc cuſtodit, in malum & pernitioſum exemplum aliorum, & ad grave damnum & commune nocumentum omnium ligeorum ſubditorum dicte domine Regine ibidem ꝓpe inhabitantium, quorum intereſt illac tranſire, ac contra formā diverſorum ſtatutorum in hujuſmodi caſu edit̄ & proviſ. ac contra pacem dictæ domine Regine, &c.

For Perjury in a depoſition before Commiſſioners by Commiſſion out of the Court of Wards.

Sect. 160. Iuratoꝝ preſentant ꝓ domina Regina, Quod F.E. de G. in Comit̄ præd' **Mailoꝛ**, 24. die Julii, Anno &c. apud M. in comitatu E. prædict', coram A.B.C.D. & E. F. Armigeris, Commiſſionariis virtute brevis dicte domine Reginæ de Commiſſione prædictis A. B. C. D. & E.F. directi, & extra Curiam Wardorū & liberationum dictæ Domine Reginæ apud Weſtmonaſterium in Comitatu Middl', preantea emanantis pro eximinatione quorumcunque teſtium, tam ex parte cujuſdam I. L. de M. prædicta, in Comitatu E. predict' **Weauer**, querentis, quam ex parte H. M. de N. in dicto Comitatu E. **Yeoman**, defendentis, in quadam cauſa (ſive materia) inter ipſos I.L. & H.M. tunc in dicta curia Wardorum & liberationem controverſa, & ibid' dependente in variantia pro titulo unius meſſuagii cum pertinentiis in M. predict' in dicto

dicto comitatu E. psonaliꝫ constitutus. Ac tunc & ibid' existens testis productus p ꝑdictum I. L. ad testificandum & deponend' in causa ꝑd', ex parte ipsius I. L. & juratus Commissionarios prædictos, ad veritaꝫ dicendam sup articulis interrogatoriis ei per dictos Commissionarios adtunc & ibid' ministrandis ſeptim̃ Articulo Interrogatorio ei adtunc & ibid' per dictos Commissionarios ex parte ꝑd' I. L. ministrato dixit, & super ſacramentum ſuum ꝑdict' affirmavit; & deposuit, put in hiis Angl' verbis immediate ſequitur, viz. **To the ſeuenth Interrogatory he ſaith by vertue of the ſaid oath, that the ſaid meſſuage was neuer occupied by the ſaid H. M. the defendant,** put p dictam depositionem ꝑd' E. F. inter alia p ꝑfatos Commissionarios in dictam curiam Wardorum & liberationum certificatam & missam, ac ibid' de recordo adhuc remanentem, plenè apparet: ubi revera & in facto, dictum meſſuagium diu occupatum fuit p prænominaꝫ H. M. defendentem. Et ſic, idē E. F. dicto viceſimo quarto die Junii, anno ſuprad' apud M. præd' in dicto com̃ E. coram prænominatis A. B. C. D. & E. F. (Commissionariis dictæ dom̃ reg. ſic ut præfertur existentibns) voluntariè & corruptè, perjurium commisit voluntarium & corrupt', contra form' diverſ. ſtatuꝫ in hm̃di caſu proviſorum & æditorum.

For Perjurie in a depoſition, before Commiſſioners by Commiſſion out of the Chancerie, upon the ſtatute of anno 5. *of Queene Eliz.*

IUr' &c. preſent' qd W. R. 24. die &c. apud A. in com̃ E. coram I. K. & T. S. armig' & F. T. gener̃ existen̄ Commiſſ. virtute brevis dominæ reginæ de Commiſſ. ſibi ac aliis direct', ac extra cur̃ Cancellar̃ dict' domin̄ regin̄ nunc præantea emanantis, ad examinationem diverſorum teſtium, ex parte cujuſd' W. C. quer', verſus quendam T. N. defendent̄ in quadam materia inter ipſos W. & T. tunc in cur̃ Cancell' præd' apud Weſtm̃ in comitatu Midd' tunc existen̄ dependent̄ in varianc' & controverſ. pro titulo diverſorum tenement̄ cum pertinent̄ vocaꝫ &c. in dicto comitatu Ebor̃ psonaliter constituꝫ ac existens teſtis productus per præfaꝫ W. C. ad deponend' in causa prædict', ex parte ipſius W. oneraꝫ, & juratus ad veritatem dicend' de Interrogatoriis ſibi per Commiſſ. prædict' adtunc miniſtrand' 18. Interrogatorio ſibi per prænominaꝫ Commiſſ. adtunc & ibid' ex parte prædict' W. C. miniſtraꝫ ſuper ſacrament̄ ſuum dixit & deposuit modo & forma, prout in Anglic' verbis ſequitur, viz. **to the xviij. he ſaith &c.** recitando verbatim depoſitionem illam, prout per depoſic' præd' W. R. inter alia per prænominaꝫ Commiſſ. in cur̃ Cancellar̃ præd' certificaꝫ, & ibid' de recordo remaneū plene liquet, ubi revera prædict' H. S. non cauſavit, &c. neque &c. negando effectum depoſitionis &c. prout prædict' W. R. falſo Sect. 161.

falso & corrupte deposuit & juravit. Per quod idem W. R. prædict 23. die &c. anno 19. suprad' apud A. præd' in dicto comitatu E. corã prefat I. K. T. D. & F. T. Commiss. virtute brīs dominæ reg'eis directi tunc existentibus, voluntarie & corrupte commisit perjurium voluntariũ & corruptum, in contemptum dictæ dominæ reg', & contra formã statut in Parliamento dictæ dominæ reginæ tento anno regni sui quinto in hmõdi casu provisi & æditi, ac ad grave dãn præd' T. N.

For taking of Pheasants and Partridges with nets, and other engins in another mans Freehold without licence, contrary to the Statute of Anno 11. Hen. 7.

Sect. 162. Juratores p̃ domiñ regina præsentant, ꝙ W. G. de S. in dict comit E. **Labourer**, circiter horã decimã ante meridiem vicesimi die Augusti, anno regni dict' dominæ nostr̃ Eli. Dei gratia Angliæ, Franc', & Hiberñ regiñ, fidei defensoris &c. tricesimo quarto, in quodam loco infra paroch' de S. prædict' in com̃ E. præd (vocat̃ vulgariter, **The Wheat field**) qui quidam locus tunc fuit, & adhuc est liberũ tenement̃ A. B. de præd' in dicto comitatu E. generr̃ (nec unquam fuit in, aut de warrena ipsius W. G. propria) duos phasianos, & decẽ perdices, cũ quibusdam reticulis, & aliis ingeniis (valoris duorum solidorum) tunc ib' cepit, occidit, & asport̃, sine aliq' assensu, aggreamento aut spec' lic' A. B. in hac parte habitis aut obtentis: In dictæ dom̃ regiñ nunc contẽptum, ac contra formã cujusd' statuti in Parliamento domini H. nuper regis Angliæ 7. tento anno regni sui undecimo, in hmõdi casu provisi & æditi.

For murder by wilfull poysoning with hearbes in pottage, upon the Statute of Anno 1. Edw. 6.

Sect. 163. Juratores pro domina regina præsentant, quod T. H. de C. in Com̃ E. prædict' **Yeoman**, secundo die Dec', anno regni dictæ dom̃ nostr̃ Eli. Dei gratia Angliæ, Franc', & Hiberñ reg', fidei defensoris, &c. 36. apud C. præd in Com̃ E. præd in domo mansionali ibidem cujusdam W. B. nuper de C. præd in dicto com' E. **yeoman**, ex malitia sua præpensa & præcogit̃, volenter & felonice porrexit, ac dedit in catillo quodam eidem W. B. ad edendum, quædam olera (Anglice vocata **Pottage**) ex cicuta venenosissima, & aliis herbis virulentis confecta & composita, quæ quidem olera prædictus W. B. tunc ibidem cum cocleari (quod in manu sua dextra tenuit) comedit, unde prædictus W. B. statim postea ægrotabat, ac à prædicto secundo die, Anno suprad̃icto in dicta domo sua apud C. præd' lãguebat, usque sextum diem dict' mensis

menſis Decembris, anno ſupradicto, quo quidem ſexto die, anñ ſuprad' ꝑd' W.B. ex dict' eſu olerum ꝑd', in dicta domo ſua apud C. pred' in dict' com̃ E. interiit. Et ſic Iuratores pred' preſent', q̃ præd' T.H. prenomiñ W.B. apud C. pred' in com̃ E. præd', modo & forma ſuprad', ex malitia ſua precogitata, voluntarie & felonice, veneno pred' interfecit & murdravit, contra pacem dictæ domiñ regiñ nunc, ac contra formam ſtatuti in parliamento domini E. nuper regis Angl' ſexto tent' (apud Weſt. in Com̃ Midd', anno Regni ſui primo) in hujuſmodi caſu proviſi ac æditi.

For murder by wilfull poyſoning of one in potion.

IVratores pro dñna Regina preſentant, q̃ H.R. nuper de C. in comit' E. Yeoman, x. die Octob. anno &c. deum præ oculis ſuis non habens, ſed inſtigatione diabolica ſeduct' ex malitia ſua ꝑcogitat', quendã R.F. in pace Dei et dict' dñæ regiñ exiſten̄ apud C. pred' in com̃ E. ꝑd' ad bibend' pretextu amoris & amicitiæ invitavit, & eidem R.F. adtũc & ib' potionem quandam veneno intermixtam & intoxicat' felonice dedit, q̃ quidem potionem pred' R.F. ex inſtigatione et provocatione dict' H. adtunc et ibidem accepit, et eandē potionē ſuper illud immediate bibebat et exhauſit, ratione cujus dict' R.F. immediate poſt potioñ pred' ſic exhauſtam, morbo corrept' fuit, ac à pred' 10. die Octob. añ ſuprad', uſque quartũ die Feb. &c. apud C. pred' in pred' com̃ E. languebat, quo quidē quart' die Feb. anno 8. ſuprad', pred' R.F. ex potione et intoxicatione pred', apud C. pred' in com̃ E. pred' obiit. Et ſic pred' R.H. ꝑf. R.F. apud C. pred' in com̃ pred', modo et forma ſupt' cum potioñ præd', veneno intermixta et intoxicata felonice interfecit et murdravit, cont' pacem dict' dom̃ reginæ nunc, et cont' formã ſtatuti inde in hm̃di caſu æditi et proviſi. Sect. 164.

For murder by wilfull poyſoning upon the ſtatute of Añ 1 Ed. 6. *wherein the ſtatute is recited.*

IVrator' preſentant, quod cum in ſtatuto in Parliam̃to dñi E. nup reg. Angliæ ſext' apud Weſt. in com̃ Midd', anno regni ſui primo, ten̄to æd' inter al' inactitat' exiſtat authoritate ejuſdem, quod omnis voluntar' interfectio per venenum, Angl' **poyſoning**, alicujus perſonæ ſive perſonarum, quæ ad aliquod tempus extunc impoſterum facta, ꝑpetrata, ſive cõmiſſa foret, adjudicaretur, haberetur et exiſtimaretur voluntar' murdrum de malicia ꝑpenſa, q̃que offenſores in ea parte, coram coadjutor' abbettator', procuratores, et cõciliator' ſuſtinerēt mortē et forisfact' in quolibet reſpect', ut in aliis caſib' volũt murdri de malic' ꝑpēſa, ꝑut in eodē Sect. 165.

eodem ſtatuto plene liquet, Quidam tamen A.B. nuper de C. in com̃ E. Laborer, ſtatut̃ pred̃ et pœñ in eod̃ content̃ parvi pendens, neque timor̃ dei præ oculis ſuis habens, viceſimo die Ian̄ ann̄, &c. apud R. p̃d, in pred̃ com̃ E. ex malicia ſua precogitata, quendã E.L. volunt̃ & feloñ, per venenũ interfecit et murdravit, cont̃ pac' dict' dom̃ reg', cor̃ et dignit̃ ſuas, ac cont̃ form̃ ſtat' pred̃, &c.

For Pettie treaſon againſt the wife for poyſoning her husband by putting Arſenick and Roſegree in his drinke.

Sect. 166. IVratores &c. ꝙ A. B. de &c. vid̃, nuper uxor I. B. de F. præd̃, &c. contra debitum matrimonii vinculum ac zelum & amorem quem eadem A. B. erga pred̃ I. B. nuper virum ſuum gerere deberet, diabolico inſtinct' dicta, ex malicia ſua precogit̃, machinans, intendens eund̃ I.B. nuper virum ſuum vita ſua privare, ac ipſum feloñ et prod̃ murdrare xi. die I. &c. apud &c. feloñ et proditorie poſuit in potu ipſius I.B. adtunc viri ſui, quoddam venen̄ mort̃ voc' Arſnick et Roſegre, ac potum illum ſic venenatum feloñ et proditorie adtunc et ibidem pred̃ I.B. dedit et miniſtravit bibend̃, qui quidē I.B. nihil fraudis aut doli verſus pred̃ A. inde ſuſpiciens, potum illum ſic venenatum et intoxicat̃ adtunc et ibid̃ per inſtigac' et provoc' dict' A. bibit; per ꝙ id' I.B. ad eod̃ xi. die I. &c. uſq; 22. die I. &c. 22. diem I. tunc ꝓx' ſeq' lãgueb'. Quo quid' 22. die an', &c. idem I.B. de veneno illo apud F. &c. obiit. Et ſic dicunt Iur̃ pred̃ ꝙ A. pred̃ die et añ dict' I.B. adtunc verum ſuum apud, &c. Felonice & proditorie intoxicavit et murdr̃, cont̃ pacē dict̃ dom̃ reg', &c.

For the breaking of Priſon, being impriſoned (upon ſuſpition of the death of a man) in the Queenes gaole, under the cuſtody of the Conſtable of a hundred.

Sect. 167. INquiſ̃ ꝓ domina Regina, ſi W. H. de C. in com̃ E. Yeoman, unus Cõſtabul̃ dict' dom̃ rn̄æ hundr̃ ſui de T. in com̃ E. pred̃ (in quo quid hundr̃ ſita eſt vil̃ de C. pred̃) quend̃ R.B. nuper de C. pred̃ in com̃ E. pred̃ Tailor, xx. die Sept̃, añ regni dict' dom̃ nr̃e El. dei gratia Angl, Franciæ, et Hiberñ reg. fidei defenſor̃, &c. Triceſim' quinto, apud C. pred̃ in dict' com̃ E. ꝓ ſuſpic' cujuſd̃ fel̃ (viz. ꝓ morte cujuſd̃ M.N. apud H. in com̃ E. pred̃ feloñ interfecti) cepit et arreſtavit; Et ea de cauſa idem R.B. ſub cuſtod̃ dicti W. H. Conſtabul̃, in priſoñ dict' dñe reg. apud C. pred̃ in com̃ E. pred̃, poſtea ſcil̃ et dicto viceſimo die Sept̃ anno ſupradicto fortiter, et duriter detentus fuerit, Ac idem R. B. tunc ibid̃ ſic detentus, poſtea (viz. dictis die et anno) apud C. pred̃ in com̃ E. pred̃, vi et armis pred̃ priſoñ ibid̃ feloñ fregit, ac extr̃ cuſtod̃ dicti Cõſtabul̃ tunc et ibid̃, cont̃ ejus voluntẽ feloñ evaſit, cont̃ pac' dict̃ dñæ

dominæ Reginæ noſtræ nunc, coronam, & dignitatem ſuas, necnon cõtra formam ſtatuti in hujuſmodi caſu proviſi ac æditi.

For pulling of Sheepe.

INquiſ̃ p̃ domina regina, ſi N.H. nuper de O. in Coñ E. **Laborer**, 13. die Maii anno &c. clauſum cujuſdam H. C. apud C. pred̃ in coñ E. pred̃ fregit et intravit, ac lanam quatuor ovium valor̃ 4 s. de bonis et catal̃ dict̃ H.C. apud O. pred̃ in coñ E. pred̃ à corpor̃ ovium pred̃ adtũc et ibid̃ exiſten̄ expilabat, et ipſam lanam ſic evulſam, felonice cepit & aſportavit, contra pacem dictæ dominæ Reginæ, &c. Sect. 168.

For the felonious taking of a purſe, and money and gold in it, from the perſon of a man.

INquiſ̃ pro dña Regina, ſi N.H. nuper de S. in coñ M. **Miller**, 16. die Apriſ̃, anno &c. vi et armis, viz. &c. in quendam Ed. R. apud C. in coñ M. pred̃ inſultum fecit, et unam burſam valor̃ 2.d. & 9.s. in pecuniis numeratis, et unam coron̄ Gallicam voc' **a French crowne**, valor̃ 6.s. in burſa pred̃, adtunc et ibid' exiſt', de bonis et pecun̄ pred̃ E. à p̃ſona ipſius E. clam et ſine noticia ipſius E. adtunc et ibid' felon̄ cepit et aſportavit, cont̃ pac' dict' dñæ reg. &c. ac contra formam ſtatuti, &c. Sect. 169.

For Purſe-picking.

IVratores pro domiñ Regina preſent̃, quod I. S. nuper de A. in coñ E. **Taylor**, 6. die Iulii, anno reg. dictæ dominæ noſtræ Eliz. Dei gratia Angliæ, Franciæ, et Hiberniæ Reginæ, fidei defenſor̃ &c. 34. apud A. pred' in comit̃ E. pred̃, in quodam loco ibid' (vocato **the Elmes**) vi et armis in quendam R.M. de A. pred' in coñ E. pred' **Grocer**, inſultũ fecit, et viginti ſolidos in pecuniis numeratis in crumena ipſius R. M. tunc ibidem exiſtentes inventos, de pred' crumena ipſius R.M. tunc et ibid' à perſoñ ipſius R. M. (clam et inſciente ipſo R. M. felonice cepit et aſportavit, contra pacem dictæ dñæ Reginæ, ac contra coroñ, et dignitatem ſuas. Sect. 170.

For unlawfull Purveyance of three Weathers without authority.

IVratores pro domina regina præſentant, quod primo die Iulii, anno regni dñæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſor̃ &c. 35. quidam H. W. nuper de G. in Coñ C. **Tyler**, apud C. in comitatu C. pred̃ præ ſe ferens, et aſſe- Sect. 171.

rens se esse unũ ex ꝑvisoꝝ et emptoꝝ hospitii dict' dñe Regine dict' 1. die anno supradicto (quo quidem tempore nullum ostendit, aut secum habuit warrantum sub magno aut parvo Sigillo dict' dñe Regine) apud C. pred' in Com̃ C. pred', tres oves castratos (Angl' vocat' **Weathers**) precii viginti solid', de bonis et catallis I.S. de C. pred' in dicto Com̃ C. **Yeoman**, tunc ibidem existen̄ inventas, sub colore purveyancie ꝑ dict' hospitio, illegitime ac felonice cepit et abduxit: Contra pac' dict' dñe Reg. ac cont' form̃ diversor statut' in hm̃di casu provis. & ædit'.

For the Rape of a maide upon the Statute of Anno 13. E. 1. *the which is recited.*

Sect. 172. IVratores presen̄t, quod cum in Statut' in Parliamento dñi E. nuper reg. Angl' primo, anno regn̄ sui 13. tent', ædit', inter alia provisum sit, quod si homo rapuerit uxor', ancillam, sive aliquam fœmin̄ ubi non consentierit nec antea neque postea, habeat judicium de vita & membro, ꝑut in eodem statuto plenius continetur. Quidam I.B. nuper de A. &c. **Yeoman**, statutum pred' &c. tali die & An. Ioh. O. filiam H.O. ancillam apud W. in Com̃ E. pred', cont' voluntatem suam felon̄ rapuit, contra pac' dict' dñe reg. &c. ac contra formam stat' pred' &c.

For the Rape of a child under the age of ten yeares, upon the Statute of Anno 18. *of the Queene.*

Sect. 173. IVrat' ꝑ domina Regina presentant, quod G.D. de B. in Com̃ E. **Waterman**, 3. die Iulii, anno reg. dict' dominæ nostræ Eliz. Dei gratia, Angliæ, Franciæ, et Hiberniæ Reginæ, fidei defensoris, &c. 34. apud B. pred' in dicto Comit' E. (in domo mansionali ibidem cujusdam A.S. **Hosteler**) vi et armis in quandam R.M. de A. pred' in Com̃ E. puellam infra ætatem decem annoꝝ tunc existen̄t, insultum fecit, ac tunc et ibid' eandem M.N. felonice ac carnaliter cognovit, ac eandem M.N. nequit' abusus est, contra pacem dict' dñe Reg. nũc, ac cont' form̃ statuti in pliamento dict' dñe Reg. nunc (tento apud W. in com̃ Middlesexiæ, anno dict' reg. sui 18.) in hm̃di casu provis. ac ædit'.

For the Rape of a maide of the age of sixteene yeares, upon the Statute of Anno 13. Ed. 1.

Sect. 174. IVratoꝝ presentant, ꝑ dña Reg. q̃ B.C. de E. in Com̃ E. **Tauerner**, 5. die Octobris, anno reg. dict' dñe nr̃e Eliz. Dei gratia Angliæ, Franc', & Hiberniæ Reginæ, fidei defensoris, &c. 34. apud C. pred' in dict' Comit' E. quodam ibidem loco (voc' **le bowze**) vi et armis in quandam

A.K.

A.K. de E. predꝯ in comitatu E. predicto, virginem ætatis ſexdecem annoꝝ, tunc et ibidem in pace Dei et dictæ Domꝰ regiꝰ exiſt', inſultum fecit, ac tunc & ibiđ eandđ A. contra voluntatẽ ipſius A. f. lonicè rapuit, & carnaliter cognovit, contra pacem dictæ reg' nunc, ac contrꝫ formꝫ cujuſdam ſtatuti in Parliamꝫ domꝫ Ed. olim reg' Angl' primi, tento apud Weſt. in comꝫ Midđ anno regni ſui tertio decimo, in hmꝺi caſu ꝓviſi & æditi.

For taking away a maide of the age of eleven yeares, upon the ſtatute of Annꝫ 3. Ed. 1. *in which the ſtatute is recited.*

IVratoꝝ preſentant, quod cum in ſtatuto in parliamento dꝺi E. nup reg' Angl' primi, anno regni ſui tertio tenꝫ, editꝫ, inter ceteꝝ ordđ, exiſtit, ꝙ nullus rapiat neque capiat ancillã infra etatem exiſtentꝫ per aſſenſ. ſuum, vel ſine aſſenſu ſuo, neque dictam ancillam, nec aliam fœminam contra voluntatem ſuam, et ſi aliquis hoc fecerit, ad ſectam illius qui hoc ſequitur infra quadraginta dies, domin' rex ſibi faciet communem juſticiam, & ſi nullus incipiat ſectam in hac ꝑte infra xl. dies, domꝫ rex ſequetur, et illi qui inventꝫ fuerint culpabiles, habeãt priſonam duorum annorũ, et poſtmodum redimantur ad voluntatem domꝫ reg' ꝓut in eodem ſtatꝫ pleniꝰ continetur. Quidam I.B. nuper de A. &c. ſtatutũ predđ minime ponderãs, &c. I.O. filiam H.O. ancillam, et infra etatem exiſtentem, viz. etatis xi. annoꝝ quadꝝ diebus elapſis apud W. tertio die S. anꝫ, &c. violenter cepit et rapuit, contra formꝫ ſtatꝫ predđ, ac contrꝫ pacem, &c. Sect. 175.

For a Reſcous of a woman arreſted (among divers others) by the Sherifes officers upon a warrant from a Iuſtice of the peace in their generall Seſſions, to put in ſuretie to appeare before them at the next Seſſions, and in the meane time to be of good behaviour, and for the hurting of one of the ſaid officers with an arrow.

IUratoꝝ pro domꝫ regina preſentant, quod cum H.C.R.H. & I.B. armꝫ ac ſocii ſui Iuſt' dictæ domꝫ reg' ad pacem in comꝫ E. conſerv', necnon ad diverſa feloꝝ trꝫs et alia malefact' in eodẽ comitꝫ perpetratꝫ, audiẽđ et terminandđ aſſignꝫ, in generali ſeſſionꝫ pac' tenꝫ apud T. in comꝫ E. predđ die Martis proximꝫ, poſt feſtũ S. Triꝫ, anno, &c. mandaveꝝ vic' ejuſdem comitatꝫ E. necnon et eorum cuilibet, ꝙ non omitterent propꝫ aliq libertatẽ comitꝫ E. predđ, quin eam ingrederentꝫ ſeu unus eorum ingrediꝝ, et attachiarent ſeu unus eorum attachiaret corpora O. W. nuper đ W. in comitꝫ T. **Laboꝛer**, & A. I. de W. predđ in Comitꝫ E. prædđ **Seruant**, et eos corã Iuſticiaꝝ predict', vel uno ſocioꝝ Iuſtic' pacis in Comitatu E. predict' veniꝝ compellerent, ſeu eorum unus venire compelleret, ad Sect. 176.

inveniendū ſufficientē manucaptionem, quod ipſe perſonaliter comparerent coꝝ dictis juſtic',et ſociis ſuis pred', ad proxim' Seſſionē Pacis in com' E.pred' tenend'.Et quod interim ſe bene gererent erga dictā dom̄ reginam et cunctum populum ſuum, ſecundū formam ſtatuti in hm̄di caſu ædit̄ & proviſ.Cumq; pref.G.L. & I.R. virtute mandat̄ pred' arreſtaſſent pred' Agñ I. et eam coram juſtic' præd' vel eorū uno ducer̄ voluiſſent, prout mandatum præd' juſtic' predict̄ in ſe exigebat, quidam tamen A.B.de W. prædict̄ in com̄ E.pred' gen̄, et R.W. de W. prædict̄ in Comitatu E.pred' Yeoman, Leges dictæ dn̄æ regiñ minime verent̄, ex malicia ſua precogitat̄ in contemptum dictæ dn̄æ reginæ,legū ſuarum, ac mandati juſtic' pred' x.die Maii, anno &c. apud W. predict̄ in Comitatu E.pred' riotoſe et illicite aſſemblati et congregati, in prefat̄ G.L.& I.R. in pace Dei, et dictæ domiñ reg' adtunc et ibidem exiſten̄ inſult̄ et affraiam feceꝝ,ac prefat̄ R. W. diverſ. ſagittas, Angl' voc' Arrowes,verſus prefat̄ G.L.& I.R.adtunc & ibidem ſagittabat,ea intentiōn̄,ut pref.G.L. & I.R. vulneraret, ac predic' Agnetem in cuſtod' eorund' G.& I.reſcuſſeꝝ, ac prefat̄ R.W.cum una ſagitt̄ valoꝝ uni' denar̄, quam adtunc et ibidem ipſe jaculabat et mittebat verſus prefat̄ I.R. è quodam Arcu,Angl' voc' a Long Bow,valoꝝ ii.s.quem in manu ſua leva adtunc et ibid' tenuit,prrcuſſit,ac crus dextrum ejuſdem I.R. adtunc et ibidem perforabat et transforabat, dans eidem I.R. adtunc ibidē in crure ſuo pred', unam plagam in profunditate trium pollicium,ac idem R.W. cum una alſagitta valoꝝ unius denar̄ quam adtunc et ibidem jaculabat et mittebat verſus pred' G.L. è predict̄ arcu quem in manu ſua ſiniſtra ibidem R.W.adtunc et ibidem tenuit, prefat̄ G.L. percuſſit dās eidem G.adtunc et ibidem in infima parte ſiniſtri cruris ejuſdē G.unā plagā in long' dimidii pollicis,ac in profunditate uſq; ad oſſa p̄d̄ cruris ejuſd̄ G.Ac preterea p̄f.A.B.& R. W. Agnetem I. adtunc et ibidem à cuſt. dict̄ G.L.& I.R.vi et arm̄ recuſ. atq;eand' Agnet̄ I.adtūc & ib. ad largum ire & evadere feceꝝ, contr̄ pacem,&c.

Of high treaſon for rebellious inſurrections, and the aiders and comforters.

Sect.177. INquiratur p̄ dño rege, ſi R.M.nup̄ de S.in Com̄ K. ac alii falſi proditores et inimici metuēdiſſimi ac Chriſtianiſſimi principis E. regis Angliæ quarti poſt conqueſtum Angl',ignoꝝ,die et anno &c.apud Sancti Elins in inſula Vectæ in Com̄ South. ſe inſimul congregaveꝝ tunc, et ibidem vi et armis,viz.gladiis,&c. Inſurrexerunt quoq; ad comfortand̄ et ſupportand̄, I. nuper Comit̄ W. falſum proditoꝝ et inimicum dn̄i reg' nunc, apud W. de diverſis altis ,pditiōn̄ erga ip̄m reg' inſr̄ regn̄ ſuū Ang' fact',cōvict̄,et attinct̄, idemq; R.W. et alii ,pditoꝝ et inimici

p̄d̄

p̄d, p̄d I. nuper Comitem W. et complices ſuos, ut falſi ꝓditor̄, contra ligeantiæ ſuæ debitum, falſo et ꝓditorie, adtunc & ibid̄ ad p̄miſſa faciend̄ convener̄ ac confortaver̄, et tunc et ibid̄ eidem I. nuper com̄ W. et complicibus ſuis fuerunt adherentes, ſcientes ipſum I. nuper com̄ W. de ꝓditiõ ſuis pred' attinct̄ et convict̄, contra ligeantiam ſuam, &c.

Another of high treaſon for rebellious inſurrections, and the ayders and comforters.

INquiſ̄ ꝓ dño rege, ſi W. L. nuper de P. in Com̄ M. Merchant, G. B. nup de &c. ac quāplur̄ alii falſi proditor̄, rebelles, et inimici ignoti Chriſtianiſſimi Principis E. reg. Angliæ 4. poſt conqueſt', ex aſſenſu voluntat̄ et ꝓpoſito diverſor̄ alior̄ falſor̄ ꝓditor̄ et inimicor̄ dñi regis, viz. I. nuper com' W. & I. nuper com' K. qui nuper authoritate Parliamenti dicti regis apud Weſtm', &c. ten̄, de diverſis proditionibus erga dict̄ reg. infra reg. Angl' factis convict̄ et attinct̄ exiſt' 4. die Martii, & die Mercurii, et diebus Sabbati et dñic' ꝓxim' poſt feſt' Pentecoſtes et diverſis diebus antea et poſtea, anno regni dicti dñi regis 3. apud P. in Com' M. p̄d̄ inſimul ſe congregaver̄, et int̄ ſe communicaver̄, quo modo ipſi pref. I. nuper Com' W. et complic' ſuos cum eis adtunc et ibidem ſuper mare in navibus ſuis (ut falſi proditor̄) exiſtentes, per nimiam poteſtat̄ p̄d̄ I. nuper com' W. ac pref. com' K. et alior̄ falſor̄ proditor̄ et inimicor̄ dict̄ dñi regis, de eor̄ covina, et falſo ꝓpoſito exiſt', uſq; regn̄ Angl' potuerunt ꝓducere; et dict̄ regem er dominos ſuos, tam ſpirituales quam temporales per totum poſſe ſuum, de regia poteſtate ſua, et gubernat̄ regni p̄d', per nimiam poteſtat̄ penitus deprivar̄, et gubernationem regni p̄d̄ ſuper ſe accipere et retinere ꝓponent̄, credebāq; adtunc et ibid̄ pred̄ W. et G. alii falſi ꝓditor̄ et rebelles pred̄ q̄ maxima pars totius regn̄ Angl' cum eiſd̄ falſis proditorib⁹ in falſis opinion̄ ſuis ſtare voluiſſet, et ad illud falſum et nefand̄ ꝓpoſitum ſuum finaliter ꝑimplend' p̄d' W. et G. et alii falſi ꝓditores et rebelles p̄d' dict̄ die & anno apud P. p̄d' in dict̄ com' M. vi et armis, ſc. gladiis, gleviis, arcubus, ſagittis, loricis, duploidibus defenſivis, et aliis armat̄, &c. inſurrexerunt, Aide. et pred' S. nup com', in cibis potibus et aliis neceſſariis erga dom' reg. falſo et ꝓditor̄ cōfortaver̄, auxiliaver̄, et ſupportaver̄, et eiſd̄ nup com̄, ut falſi ꝓditor̄ cont̄ ligeantiæ ſuæ debit̄ adtunc et ibid̄ fuer̄ adherentes, et cum eiſd' com' naves ſuas p̄d̄, (ut falſi ꝓditores) ad ꝓditoria ſua ꝓpoſita pred' ꝑimplend' et perficiend', conſcenderunt et in eis ꝑmanſerunt; ſcientes ipſos nup Com' in forma p̄d' ſic attinct̄ et convinct̄, in final̄ deſtruct̄ dicti dñi reg. ac cont̄ ligeantiam ſuam, &c. Sect. 178.

For regrating of Corne in a Market.

Sect. 179. INquiř ꝑ &c. ſi W.T. de N. in ꝑd Com̃ E. et A.B. &c. 1. die &c. et quāpluř al' dieb' antea et poſtea, fueř regrat' mercat' de D. in ꝑd com̃ E. ac diverſa generř grañ ad mercat' ꝑd' ꝑ diverſ. ligeos dict' dñæ reg. il' adveñ, viz. x. quart' frum̃ ad valenc' 6. ſ. apud D. ꝑd' in ꝑd' Com̃ E. regrat', ad intentioñ ꝙ idem frum̃ iteř venderent, ad grave damñ populi dict' dñæ reg. cont' form̃ diverſoř ſtat' in hm̃di caſu edit' et proviſ.

For regrating of Fiſh and Butter in a Market, and ſelling of it in the ſame Market.

Sect. 180. IVř pro dña Reg. preſentant, ꝙ A.B. de C. in dict' Com̃ S. **Mercer**, 20. die Iulii anno regni dict' dñæ nřæ Eliz. Dei gratia, Angliæ, Franciæ, et Hiberniæ reg. fidei defenſoř &c. 34. apud C. ꝑd' in Com̃ E. præd' in quodam mercat' tunc ibidem tent' ꝑ xl.s. monet', emit, regratavit, obtinuit, et nactus eſt in poſſeſſioñ et mañ ſuas, x. paria piſc' (Angl' dict' **ten couple of Lings**, et tria vaſa butyri ſalſi Anglice voc' **three firkins of ſalt butter**) de quodam E.F. qui ꝑd' x. paria piſc', ac dict' tria vaſa butyri ad eund' mercat', ut ea adtunc ibid' vender', adduxiſſet: et ꝙ immed' poſtea, ſc. dict' 20. die anno ſupd' idem A.B. in dicto eodem pleno mercatu tunc ibid' apud C. ꝑd', in dict' Com' E. tentō, eodem oī dicta paria piſcium, ac butyri vaſa, cuidam R.H. ꝑ 30. s. legal' monet' dict' dñæ reg. hujus regni ſui Angl', illicite vendidit, in magñ reipub. damnum ac cont' form' diverſoř ſtat' hujus reg. Ang. in hm̃di caſu proviſ. et editoř.

For a Reſcous of one in the Stockes for ſuſpition of felony.

Sect. 181. IVř ꝑ dño reg. preſentant, ꝙ 20. die Iunii, anñ regni dict' dñæ nřæ Eliz. Dei gratia Angliæ, Franciæ, et Hiberniæ Reg. fidei defenſoř &c. 34. quidam A.B. nup de C. in Com̃ E. **Glouer**, apud C. præd' in com̃ E. præd' captus eſt et arreſtatus per E. F. de C. præd' in Com' E. pred' **Yeoman**, ꝑ ſuſpitione cujuſdam feloniæ, viz. unius vaccæ ipſius E.F. per prefatum A.B. felonice (ut idem E.F. tunc aſſerebat) captæ et abductæ, et qd idē A.B. immediate poſtea traditus eſt per prefatum E.F. cuidam H.M. tunc Conſtabulario Hundredi de N. in Com' E. præd', in quo ſita eſt villa de C. ꝑd', qui quidem Conſtabularius in Com̃ E. ꝑd', poſtea, viz. dicto 20. die Iunii, anñ 34. ſupradicto, eundem A.B. in priſona in cippis ibidem poſuit, ad eum ſalvo ibidem cuſtodiendum, donec idem Conſtabularius parare poſſit auxilium ad ducendum eundem A.B. coram aliquo Iuſticiariorum pacis dictæ dominæ Reginæ in Com̃

E.

E pd̄, examinandum. Ac quod postea (sc. dicto 20.die &c. anno supradicto) quidam G.L.de C. pd̄ in Com̄ E. pred' **Glouer**, apud C.pred' in dicto Com̄ E.vi & armis cippos pd̄ effregit: ac eund' A.B. tunc ibid' existen̄ ex eisd' custodia, prisona, et cippis felonice cepit, eripuit & rescussit, ac ad largum ire & evadere permisit, contr̄ pacem dict' dn̄æ regin̄, coron̄, & dignitatem suas.

For giving of a Liverie.

Sect. 182.

IUr̄ p dn̄a reg presentant, q T.B.de C. in Com̄ T. Armiger 2.die Septembr̄, anno regni dict' dn̄æ nr̄æ Eliz. Die gratia, Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensoris &c. 34. apud C. pred' in Com' E. pred', quasdam liberatas vesturæ, viz. cuidam A.B. de C. pred' in Com̄ E. pred' **Yeoman**, tres ulnas panni lanei, colōr veneti, precii 20.s. ei C. D. de B. in dict' Com̄ **Yeoman**, alias tres ulnas similis panni lanei, eorundem coloris & precii, ad duas seperales tunicas p pref. A. B. & C. D. inde faciendas, dedit ac distribuit; ubi revera pref. A. B. & C. D. aut eorum alter, nunquam fuerant, aut fuit domestici servientes, aut domesticus serviens, officiarii, sive officiarius, ballivi sive ballivus, dicti T.B. aut de consilio ipsius T.B. in una lege sive altera eruditi vel eruditus. In magnum dict' dn̄æ reg. contemptum, ac contra formam diversorum statut̄ in hujusmodi casu antehac p vis. & edit̄.

For receiving and using of a Liverie.

Sect. 183.

IUr̄ p dn̄a reg. presentant, q A.B. de C. in Com'E. **Yeoman**, unam liberatam panni, viz. tres ulnas panni lanei, coloris veneti, (vocati Angl' **Watchet**) ad valentiam 20. s. ad tunicam inde sibi faciendam de T. B. de C. pred' in com̄ E. pd̄ armig', apud C. pred' in dicto com̄ E. 2. die Augusti, &c. recepit, & eadem tunica à dicto die 2. anno supradict' usq; 3. diem mensis Septembr̄, anno supradicto apud C. pred', in Com̄ E. pred' & alibi in diversis locis infra Comitat̄ q d' usus est; ubi idem A. B. dicto tempore receptionis liberatæ pred', aut unquam postea non fuit familiar̄, officiari', balliv', aut de consilio dicti T.B. in una lege aut altera eruditus; In magnū dict' dom̄ reg. contempt̄, ac cont̄ form̄ diversor̄ statut̄ in hm̄di casu ante hac provis. & editorum.

For

For giving, receiving and uſing of Liveries, upon the Statute of Anno 7. *H.* 4. *and* Anno. 8. *H.* 6.

Sect. 184. IUr̃ dicunt, ꝙ cum in ſtat̃ dñi regis H. 4. nuper regis Angl̃, anno regni ſui 7. &c. ac in ſtat̃ parliam̃to dñi H. 6. bonæ memoriæ, anno regni ſui 8. apud W. tenꝫ & edit̃, inter cetera continetur, ꝙ non liceat alicui, cujuſcunq; ſtatus, gradus, ſeu conditionis fuerit, dare aliquam libertat̃ veſtur̃ vel capic' alicui perſonæ, niſi tantummodo familiaribus, officiariis, ballivis, & ſervientibus ſuis, ac aliis hominibus de conſilio ſuo in una lege ſeu altera eruditis, ſed pœna C. s. de terr̃ & teñtis, bonis & catallis hm̃di liberat̃ dant̃, 54. s. de terr̃ et teñtis, bonis & catallis hm̃di liberat̃ recipient̃ ſive utent̃, toties, quoties aliqua liberat̃ in contrariũ ſtat̃ p̃d̃, dat̃ ſeu accepta fuerit, levand̃; quidam tamen R. B. de C. in com̃ H. arm̃ ſtat̃ p̃d̃ minime ponderans, quaſdam liberatas veſtur̃, viz. diverſas togas coloris **roaſt meadow**, quibuſdam I. de B. **Yeoman**, &c. S. C. de eodem **Yeoman**, qui nec ſunt nec unquam fuerunt ſervient̃ offic', ballivi, ſeu familiar̃ ipſius R. B. nec in lege una ſeu altera aliquar̃ erud̃ aut inſtruct̃ die &c. anno &c. apud &c. dedit & diſtribuit. Et p̃d̃ I. & S. eaſd̃ togas de pref. R. eiſd̃ die, anno & loco, con̄ form̃ ſtat̃ p̃d̃ recepер̃, & eiſd̃ tog' continue à pred' die &c. uſq; &c. apud E. F. & S. uſi fuer̃, in contempt̃ dñæ Reg. legiſq; ſuæ dedecus manifeſt', ac con̄ form̃ ſtat̃ pred' &c.

For an affray made by divers, at a generall Seſſions of the Peace.

Sect. 185. IUratores pro Domina Regina preſentant, quod viceſimo nono die Decembris Anno regni dictæ dominæ nr̃æ Elizabethe Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoris, &c. Triceſimo quinto apud M. in Com̃ G. tempore generalis Seſſionis pacis in predicto comitat̃ tunc ibidem tenꝫ, & H. C. Milite et ſociis ſuis Juſticiar̃ dictæ Dominæ Reginæ ad pac̃ in dicto comitat̃ G. conſervandam aſſignat̃, tunc ibidem exiſtentibus, & in plena curia ſedentibus, quidam A. B. C. D. E. F. G. H. & I. K. de S. in com̃ G. pred' generoſi, aggregatis ſibi nonnullis aliis pacis dict̃ dominæ Reginæ perturbatoribus ignotis ad numerum xxx. hominum 6. & armis, viz. gladiis & pugionibus, armatis, illicite, routoſe, & riotoſe, ſeſe aſſemblaverunt, ac inter ſe inſultum & affraiam maximam tunc et ibidem fecerunt, ſeſe invicem verberantes, & vulnerantes, in magnum terrorem tam dictorum Juſticiariorum tunc ibidem in curia ſedentium, quam totius populi dictæ dominæ Reginæ ad dictam Seſſionem pacis tunc & ibidem convenientis, ac contra pacem, coronam, & dignitatem dictæ Dominæ Reginæ nr̃æ.

Or

Or thus;

IUratores pro domina reg' preſentant, quod I.B.de R.in com̃ E. pred̃ Yeoman,I.G.de eiſdem Yeoman, W. B.de P. in com̃ E.pred̃ Yeoman, & T. B. de eiſd' Yeoman, undecimo die Januarii, anno regni reginæ El̃ &c. tertio apud W. in com̃ E. p̃d', tempor̃ generaľ ſeſſion̄ pacis adtunc & ibidē tenť,& juſtic' dict̃ dom' reg', ad pacem in com' præd̃ conſervand̃ aſſign̄ ibid' exiſtent̃,vi & armis, viz. &c. illicite & riotoſe ſeſe aſſemblaver̃, et per inſtigationem & procurationem pred̃ I. B. & W.B. inſultum & magnā affraiam adtunc & ibid' invic' feceř, & commiſeř in magnum timorem, & perturbationem, tam predict̃ juſticiar̃ dictæ domiñ reginæ adtunc & ibidem exiſten' quam totius populi & ligeor̃ ſubdit̃ dictæ dominæ reg' in com' S. pred. adtunc & ibidem confluenc',contra form' & ordiñ p juſtic' p̃d',adtunc et ibid' de pace gerend̃ fact̃ in manifeſt' contempt̃ dict̃ dom' regiñ, ac in juſtic' ibid̃ exequend̃ et adminiſtrand' retardation̄ manifeſt', ac contř pacē dict' dom' reginæ,&c. Sect.185.

For a Riot in a Parke upon the Keeper of the Parke and his ſervant, and for hurting the keepers ſervant with an arrow.

INquirāt pro dom' reg', ſi E.P.&c. H.P.&c. et R. B. &c. aggregāt &c. riotoſ. et routoſ.et modo novæ inſurrection̄, in convent̃ illic,et modo guerrino arraiāt,vi et armis, viz.&c. 30. die apud H. in com' E. p̃d', in clauſum et parcum E. P. viduæ, ibidem ſeſe illicit̃, riotoſe et routoſe aſſembl̃, congregatum,et univer̃, ad pacem dictæ dom' reg' diſturb', et adtunc et ibid' in quend' A.D. gen̄ cuſtod' parci p̃d et I.in B. fam' ipſi⁹ A. in pace Dei,et dict̃ dom' reg' exiſten̄ inſult̃ feceř et p̃d G.P.unā ſagit̃ cū arcu tenť quē idē G. P. in man̄ ſuis adtunc et ibid̃ habuit et tenuit, ſagit̃.Et eund' I.B.cū ſagit̃ p̃d',in pector̃ ſuo percuſſit,dans eidem I.B. unā plagā profundit̃ dimid̃ pollicis, et latitud' unius pollicis, ita q̄ de vita ſua deſperabatur, et alia enor̃ eis intuleř ad grave damn̄ ipſor̃ A.et I.contra pacem dict̃ dom'reg',et contra form' ſtatuti in hm̃di caſu æditi & proviſi. Sect.186.

For riot in pulling downe of hedges and ditches.

INquiratur pro domina regina, ſi I.R.nuper de B.in Comitatu præd' Yeoman,R.A.nuper de G. in com' pred' Husbandman,& I.B.nuper de D. in comitatu pred̃ Gent, cum multis aliis malefactor̃ eis agregāt̃, & pacis dictæ dominæ reginæ perturbator̃ ignor̃, modo guerrino arraiāt̃, Sect.187.

arraiat̃,unit̃,aſſemblat̃, & congregat̃, ad numerum qui ndecim perſoñ per inſtigationem & procurationem predict̃ I.R. in magnum terrorem ſubditorum dictæ dominæ reginæ,quarto die Maii,anno regni dominæ noſtre Elizabethæ,&c. ſecundo,vi & armis,viz. gladiis,falcaſtris,bipennis, baculis, & aliis armis invaſivis, clauſum R. B. armig' apud F. infra parochiam de B. in comitatu predicto vocat̃ the ℳ. riotoſe fregerunt & intraverunt, ac ſepes & clauſ. præd. R. B. ad numerum ſexcentorum pedum,adtunc & ibidem exiſtent̃, laceraverunt, irruper̃, & proſtraverunt,& foſſat̃ ibidem exiſtent̃, adtunc & ibidem cum legonibus & bipalliis fodeř,plana verunt, & impleverunt̃, ad grave damnum ipſius R. B. contra formam diverſorum ſtatutorũ de Rioris & routis,& aliis conventiculis illicitis inde nuper ædit̃ & proviſ. & contra pacem dict. dom̃ reginæ,&c.

An Indictment againſt many,for beating and impriſoning of the Sherifes bailife, comming with the Sherifes Replevy to execute it, wherein the Replevy is recited.

Sect. 188. INquiratur ꝓ dom' Regina,quod cum N.W. miles, Comitatus E. per warř ſuum de liberatione ſigillo ſuo ſigillat̃,cujus datus eſt quinto die Aprilis,anno regni H. 8. viceſimo ſeptimo, mandavit cuidam A.B. ballivo ſuo comit̃ E̅ predř, quod deliberavit, ſeu deliberari faceret cuidam T.H. averia ſua quæ W.S. nuper de S. in comitatu predř E. genet̃,& P.B. nuper de eadem vill' & Comitatu **Clothier**, cepiſſent & injuſte detinebant contra vadř & pleg' ut præfat̃ Tho. dicebat; Et quod poneret ipſos W. & P. per vadios & ſalvos pleg' ita quod eſſent ad proximũ com' ipſius vicecomit̃ apud I. in comit̃ predř, tenend̃ ad reſpondendum prefat. T. H. de pl' predicto; virtute cujus warrant̃, predř A. die & anno ſupradictis apud S. prædř requiſivit præfat̃ W. S. quod dimitteret ſibi averia predicta, ad diliberandum eidem prefat̃ T. H. ſecundum vim, formam, & effectum warranti predict', ſi predict̃ W. ac quidam H. C. nuper de S. in comit̃ predict̃ **Husbandman**, cum multis aliis ignotis ad numerum octo perſonarum, dicto quinto die Aprilis, anno ſupradicto apud S. prædict. warrant̃ predict̃ minime ponderantes,vi & armis viz. gladiis & baculis,in pref. A. inſultum fecerunt,verberaverunt, vulneraverunt, &maletractaverunt,ac ipſum A. adtunc & ibidem impriſonaverunt, & detinuerunt, per ſpacium quatuor dierum & quatuor noctiũ extunc prox' ſequent̃, & adtunc & ibidem debitam executionem warř predicti contradixerunt, impediverunt & diſturbaverunt, ad grave dãnum ipſius C. ac contra pacem dict̃ domini regis,coronam,&c.

For

For a Riot in cutting and carrying away of Corne.

IUratoꝝ &c. quod A.B.& E.D. &c. aggregatis eis quam pluribus aliis malefactoꝝ, & pacis dñe reg. perturbatoribus ignotis, ad numeꝝ 4. pſonaꝝ modo guerrino arraiat 3. die Febr̄ ann̄ &c. vi & armis, viz. gladiis, baculis, & aliis arm' tam invaſivis quam defenſivis apud F. in Comit̄ Eboꝝ, injuſte, riotoſe, & routoſe, aſſemblaveꝝ, clauſumq; T.L. apud C. ad tunc & ibid̄ injuſte fregeꝝ, & intraveꝝ, & 10. acꝝ tritici, adtunc & ibid̄ ereſc' valor̄ &c. de bon̄ & catall̄ T.L. pred̄, adtunc & ibid̄ inven̄t injuſt' riotoſe & routoſe meſſ. falc', & aſporꝝ, conꝝ pac' dict' dom' reg. &c. Sect. 189.

For robbing of one in the high-way.

INquiraꝝ p̄ domina Regina, Si A. B. de C. in Comitatu E. **Mariner**, ſexto die menſis Octobris, Anno regni dicte dom' noſtræ Elizabethæ Dei gratia Angl', Franc', & Hiberñ Reg' fidei defenſoꝝ, &c. Triceſimo quinto vi & armis, viz. cum gladio & pugione (ad valentiam x s) diſtrictis, inter horas ſeptimam & octavā ante meridiem ejuſdem diei in alta via regia juxta quendam locum (voc' **Gads hill**) infra paroch' de F. in com' E. præd̄, in, & ſup̄ quendam I.S. de B. in Com' E. pred̄, **petite chapman**, tunc & ibidem in pace Dei, ac dict̄ domine Regine exiſtentem inſultum fecit & ipſum I.S. tunc & ibidem cum dict̄ gladio percuſſit & vulneravit, et 20. s. legal' moneꝝ Angl' numerate in crumena ipſius I.S. exiſtentes, de bonis & catallis pred̄ I.S. adtunc & ibidem inventos à perſona ipſius I.S. tunc & ibidem violenter & felonice cepit & aſporꝝ, in magnum pred̄ I.S. terꝝ, ac contr̄ pacem dicte domiñ Reg. coroñ, & dignitat̄ ſuas. Sect. 190.

An Indictment againſt one for aſſaulting and beating of two in the high-way to the intent to have killed or robbed them.

INquiratur p̄ dña reg. ſi H. B. nuper de B. infra parochiam de W. in Com' E. **Sadler**, 17. die Nov. anno &c. circa horam ſextam poſt meridiem ejuſd̄ diei apud O. in com' E. pred̄, in cōmuni via regia, in quod̄ loco ibid̄, voc' C. in quoſd̄ T.L. & W.W. adtunc & ibid̄ in pace Dei & dict̄ dñe reg. exiſt', inſult̄ fecit, cum quod̄ gladio precii 6. s. quem ipſe in manu ſua dextra adtunc & ibid̄ habuit, & ipſos T.L. & W.W. graviter verberavit, vulneꝝ, & maletracꝝ, ita q̄ de vitis ſuis deſperabat, ea intentiōn ad interficiend̄, vel ſalt̄ ad ſpoliand' p̄d' T.L. et W.W. de bon̄ et pecun̄ ſuis, et alia enormia eis adtunc et ibid' intulit, ad grave damn̄ pred' T.L. et W.VV. ac contra pacem dict̄ dñæ reg. &c. *ut ſupra.* Sect. 191.

An

An Indictment againſt a Cooke, for an aſſaulting one by the high-way and taking from him his cloake.

Sect. 192. INquiſ̄ pro dom' reg' ſi I.G. nup de A. in Com' E. Cooke, 13. die Aprilis, anno &c. vi & armis &c. circa horam 4. poſt meridiem ejuſd̄ diei, apud S. in com' E. p̄d̄ in via regia ibid' in quend' I. W. adtunc & ibid' in pace Dei, & dict̄ dn̄æ reg' exiſten̄ inſult̄ fecit, & ipſum I. W. adtunc & ibid' in magno timore corporaſ̄ impoſuit, & unam clamid̄ vocat̄ a cloake, colōr̄ blew, valōr̄ 3. s. 4. d̄. in pecun' numer̄, de donis & cattal̄ dict̄ I.W. à perſona ejuſd' I. adtunc & ibid' invent̄ felon' cepit & aſport̄ cont̄ pac' dic' dn'æ reg' coron', & dignitat̄ ſuas, *ut ſupra.*

An Indictment againſt one for making an aſſault and affray, upon one in the new Forreſt in the high-way, and taking from him his purſe and twentie ſhillings in it, and two gold rings off his fingers.

Sect. 193. IUrator &c. qd A.B. nup de &c. 2. die I. &c. vi et armis viz. &c. in nova foreſt' in quod̄ loco ibid̄ voc' I. in paroch' de F. in com' pred̄, in quend̄ hōin̄ ignot̄ in reg' via ibid̄ inſult̄ & infraiā fecit, & eū in timor̄ corpor̄ adtunc & ibid poſuit, & 20. s. in pecun' num' in quod̄ crum' ibid exiſt', & 2. annul̄ aureos valōr̄ &c. ſup̄ digit̄ eiuſd' hom' ignot̄ exiſt' de bon' & cattal̄ ejuſdem hom' ignot̄, à perſon' ſua adtūc et ibidem felon' cepit & aſportavit contra pacem &c.

Againſt a Rogue, a Vagabond, and againſt him which lodgeth and releeveth him.

Sect. 194. IVrator̄ pro dn̄a reg' preſent̄, q̄ A.B. nup de C. in com' E. Laborer, ætatis 14. Annor̄ et ampli°, ac corpor̄ ſano, valent̄, potente, atq; ad laborand' habili exiſt', nullā autem habens terrā, nec ullam magiſtr̄, nec aliqua utens licita Merchandiza, arte, vel myſterio unde ſibi vict' paraſ̄ poſſet, ac prorſus neſciens rationem reddere quo pacto vict' ſuum legitim' acquirit, 10. die Auguſti, anno reg' domin' nr̄æ Eliz. Die gratia Angliæ, Franciæ, & Hiberniæ Reginæ fidei defenſoris &c. 35. apud E. infra hundredum de W. in com' E. præd', & multis aliis in locis dict̄ com' E. hac illac paſſim vagatus eſt mendicans, ac p̄ W.P. de E. pred', in dict̄ com' E. Yeoman, Conſtabularium dict̄ hundredi de W. (in quo ſita eſt villa de F. p̄d') poſtea, viz. 11. die dicti menſis Aug. ann' ſup̄d', apud E. p̄d' in com' E. p̄d' invent° eſt vagans, et mendicans, ac p̄ eund' Conſtabulaſ̄ tunc ibid' deprehenſus eſt inordn' ſe gerens, tanquam vagabund' et mendicus valens contra pacem dictæ dn'æ reg. ac cont̄ form' diverſorum

ſorum ſtatutorum in diverſis Parliamentis dictæ dñæ rñæ tunc inde proviſorum & æditorum; et ulterius ꝙ G. H. de E. pred', in comit' E. Yeoman, ſciens ꝑfat' A. B. modo & forma pred' vagantem et mendicant' eundem tamen A. B. dicto decimo die anno ſuprad' in domo ipſi' G.H. manſionali apud E. pred' in com' E. pred' hoſpitavit, et idem A. B. tunc et ibidem panem et potum voluntarie dedit in contemptum dict' dom' reg', ac cont' formã ſtatutor' pred.

For breaking of a ſafe conduct granted by King H. 6. to Merchant ſtrangers of Geneva.

IUrat' preſentant, ꝙ cum illuſtriſſimus princeps Henr. Rex Angliæ, ſextus poſt conqueſt', per literas ſuas patentes ſub ſalvo conductu ſuo conceſſit licentiã, et ſalvum conduct' ſuum dedit A. B. et D. et aliis alienigenis Mercatoribus de Genua, ꝓ eis, et quadam navi voc' (a Carik) & pro bonis, rebus & merchandiſis ſuis, infra eandem navem exiſten', de tranſitu portus South, in Angl' per mare, verſus partes Genuæ transferend', & eadem abſque aliquibus roberiis, fraction', impeditione, perturbation', aut caption' ipſorum alienigen', bonor', et marchand' ſive mercimoniorum ſuorum pred', per aliquos ligeos dicti dom' regis infra regnum dicti regis Angliæ, gaudend', ſine impeditione ibidem: quidã H. & D. in comitatu E. armig', & alii fractores ſalvi conductus dom̃ Regis, de ligeis ipſi' domini regis infra regnum Angl' exiſten' ignor', vi & armis, viz. gladiis, arcub', ſagittis, duploidibus defenſivis, & aliis armis defenſibilibus armati ſalvũ conductum pred' minime verentes & ſpernentes, in predictos A. B. & alios alienigenas adtunc & ibid' inſult' fecerunt, & ipſos verberaverunt, vulneraver', ac maletractaver', & ipſos in navi pred', tanquam eorum priſonarios adtunc & ibidem ceperunt & cuſtodiver', & eos in priſona ſub cuſtod' ſua, diu, viz. per. 4. dies quouſque iid' A. B. & D. & alii alienigenæ in eadem navi exiſten̄, finem & redemptionem pro ſalvo conductu & deliberatione ſuis habend', pro ſexcent' marcis cum pref. H. & aliis præd' feciſſent, detinuerunt, contra ſalvũ conductum dom' regis pred', & cont' formã ſtatuti in hm̃di caſu proviſ. & ædit', ac contra dignitatem regiam, ac in malum exemplũ aliorum; &c. Sect. 195.

For Sacriledge or Burglarie in a Church in the night time, and the taking away of a Communion Cup.

IUratores præſentant pro domina regina, ꝙ A. B. de C. in Comitat' E. predict' Sailor, primo die Septembris, anno regni dictæ Dominæ noſtræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hyberniæ Regin', fidei Sect. 196.

fidei defensoris &c. Tricesimo quarto vi & armis Eccles. ꝑoch' de C. prædꝯ in dictꝯ comꝫ E. felonice. & burglr fregit & intravit noctꝫ, viz. inter horas decimꝫ & undecimꝫ post meridiem ejusdꝫ diei, ac unũ calicẽ argenꝫ (Anglꝝ voc' **a Communion Cup**) ad valenc' xl. s. de bonis & catallꝝ ꝑochianoꝝ de C. ꝑdꝫ, adtũc existentꝫ in eadẽ ecclesia, & tunc ibidꝫ inventꝫ felr cepit & asportavit, contꝫ pac' dictꝯ domꝫ reg' nunc coronam & dignitꝫ suam.

For sacriledge or robberie in a Church, and for the taking away of two Communion cups, two Copes of blacke velvet, and three Surplices.

Sect. 197. INquirꝫ, &c. si I. M. nuper de D. in comꝫ M. & R. H. nuper de eadem D. ꝑdꝫ, in comꝫ M. ꝑdꝫ **coman**, laici homꝫ (ut supra) 23. die, &c. vi & armꝫ, viz. gladiis, baculis, & cultellis eccl' paroch' omniũ sanct' de E. apud E. in comꝫ M. ꝑdꝫ circa horã 12. in noctꝫ ejusdꝫ diei felonꝫ freg' & intravꝝ, & duos calices dꝫ argentꝫ & auro, duo vestimꝫ de nigro velvet, voc' **copes**, tres pannos lineos voc', &c. ad valenc, &c. de bonis & ornamentꝫ, de paroch' de E. ꝑdꝫ in comꝫ M. ꝑdꝫ, in custodꝫ I. B. & T. P. custod' & gardian eccl' ꝑdꝫ adtunc ibidꝫ inventꝫ, felonꝫ furati fuerunt, ceperũt, & asportavꝝ contrꝫ pacẽ dictꝯ dom' regis, ac contrꝫ formꝫ statꝫ ejusdꝫ dom' reg. annꝫ reg' sui 33. editꝯ & provis. &c.

For slanderous writing, and publishing the same against the Queene.

Sect. 198. IUratores pro domiñ regina presentant, quod A. B. nuper de C. in comꝫ E. Clericus 25. die Julii, anno regni dictꝯ domꝫ nrꝝ El. Dei gratia Angliæ, Franciæ, & Hiberniæ reg' fidei defensoꝝ &c. tricesimo quarto, apud G. in com' E. ꝑdꝫ, consulte & deliberate, cum malitiosa intenꝫ & folonꝫ quoddã scriptũ Anglr edidit & publicavit, continens (inꝫ alia) hãc falsam, seditiosam & scandalosam materiam, ad defamationẽ majestatis dict. dñ rñæ nostrꝫ nũc, viz. (**reciting the seditious words thereof**) contrꝫ pac' dictꝯ dñæ rñe nrꝝæ, & regal. majest. suã (cui ne in cogitꝫ quidẽ detrahere licet) ac contrꝫ form' cujusdꝫ statutꝯ in Parliam' dictꝯ dñæ rñæ nrꝝe nunc, tentꝫ apud W. in Com' Midꝫ, añ regni sui vicesꝫ tertio, in hm'di casu provis. ac æditꝯ.

An Indictment against a Schoolemaster being a recusant, for teaching Schoole in a widowes house without Licence, and against the widow for keeping him in her house knowing him to be a recusant.

Sect. 199. IUratores pro dña Regina presentant, quod K. M. de I. in Comitatꝫ E. Scolæ magister, secundo die Septembis, anno regni dictæ dñæ nrꝝæ

Eliz.

Elizabethæ, Dei gratia, &c. tricesimo quarto, usq; nunc, in domo mansionali cujusd E.A. de I. præd in com' præd viduæ, ausus est, et ꝑsumpsit erudire, et docere pueros dictæ E.A. ibid', cum idem K.M. durante tẽpor' prædicto nõ accessit, nec resortavit ad eccl' parochial' de I. pred in com' F. præd', nec ad ullam aliã capellam, aut usualem locum cõmun precationõ, sed se penitus ꝑ totum tempus præd' abinde absentavit, nullam habens legit aut rationalem dictæ suæ absentiæ excusationõ, et cum idem K.M. non est ꝑ Episcopum Diocesis loci illius, in quo sita est pred eccleſia parochialis de I. pred, aut per ejus loci ordinarium licentiatus, aut allocatus ad erudiend & docend: In magnum dict' dñæ nr̃æ Reg' contemptum, ac contra formam stat̃, in Parliamento dict' dñæ reginæ, (tento apud West. in com̃ Midd', anno regni sui vicesimo tertio) in hujusmodi casu ꝑ visi et editi. Et quod præd E.A. voluntarie in domo sua pred per totum tempus præd custodivit & manutenuit præf. K.M. modo et forma præd erudientem et docentem, sciens ipsum K. modo & forma præd, se absentasse. In contemptum dictæ dñæ reginæ, ac con̄ formam statuti predicti.

For words spoken against the Queene, upon the statute of Anno 23. *of her raigne.*

IVrat̃ ꝑ dom' Regina præsentant, quod infra tres menses jam ultimo elapsos, viz. secundo die mensis Octobris, Anno reg. dominæ nostræ Eliz. Dei gratia Angliæ, Franciæ, et Hiberñ regis, fidei defensoris, &c. tricesimo quinto, G.P. de A. in com̃ G. **Labourer**, in domo mansionali cujusdam R. S. infra parochiam de A. præd in com' C. precii ac in præsentia multorum dictæ dominæ reginæ subditor̃ fide digñ tũc ibid' existentium, consulto, deliberate, ac cum malitiosa intentione adversus dictam dominam nostram nunc, ex imaginatione ipsius G.P. ꝑpria, hæc falsa, seditiosa, & scandalosa dicta, ad scandalum & defamationem dictæ dominæ reginæ nostræ, tunc et ibid locutus est, ut in his Anglicis verbis sequitur, viz. (**reciting the words themselues**) In magnum dict̃ dominæ Regiñ nostræ nunc contemptum, ac contra pacem, coron̄ et dignitat̃ suas, necnon contra form̃ statuti in Parliament dictæ dom' nostr̃ nup tento apud Westm' in com' Midd', anno regni sui vicesimo tertio, &c. Sect. 200.

For slandering of a Nobleman.

INquiratur ꝑ domina regina, si R.B. nuper de C. in com. D. **Yeoman**, Deum præ oculis suis non habens, sed instigatione diabolic' seduct', ac ligeantiam suam erga dictam dominam nunc Elizabeth', Dei Sect. 201.

gratia, &c. parvi pendens, ac leges et ſtatuꝯ hujus reg' Angl' minimè eſtimans, nec pœnam in eiſd' contenꝯ aliqualiter verens, 16. die Maii, Annō regni domin' Eliz. &c. apud M. in comꝫ D. præd', malitioſe ex imaginatione ſua ꝓpria, hæc falſa & ſcandaloſa verba ac rumoꝝ de magnatib⁹ & ꝓceribus hujus regni Angl' ſubſequentia, ꝓlocuꝯ eſt, viz. **that, &c.** Quæ quidem omnia, quanquam falſa ſint, ut vera retulit, & multa alia verba ſcandaloſa adtunc et ibid' dixit & propalavit, contra pacem dict' domī reg. nunc, coron' & dignitat' ſuas, & contꝯ formꝫ diverſoꝝ ſtatutoꝝ inde nuper æditꝯ & ꝓviſ.

For ſhooting Haile-ſhot in a Hand-gunne, upon the Statute of 2. Ed. 6. wherein the Statute is recited.

Sect. 202. INquiratur ꝓ domina Reg. qd cum in Statuto in Parliamento dom' E. nuper regis Angl' ſexti apud Weſtmī, Anno regni ſui ſecund', inter alia ordinat' et inactitat' exiſtit, ꝙ nulla perſon' ſubter gardum dñi Parliamenti extunc deinceps ſagittaret in aliquo tormento infra civitat' vel villam, ad aliquam volucr' ſive aliam metam ſuper eccleſiam, domum, aut columbar', neque ꝙ aliqua pſona ſagittaret in aliquo loco, aliquam ſagittation' voc' **hailefhot**, aut plur' glandines plūbeas, quā unam uno tempore, ſub pœna forisfact' dec' libr' ꝓ quolibet tempoꝝ in quo ipſe contꝯ ſtatuꝯ pd' delinqueret, & impriſonamentꝫ corporis ſui ꝓ ſpacium triū menſ. ꝓut in ſtatuꝯ præd' plenius continetur. Quidam tamen I.C. nup de B. in com' E. **yeoman**, ſtatuꝯ præd' minimè ponderans, nec pœn in eod' contenꝯ aliqualiter verens, 5. die Junii, &c. in quodam tormto Angl' voc' **a hand gun**, onerat' pulvere et glandinib⁹ plūbeis, Angl' **charged with powder and hailefhot**, in quand' anat', adtunc in quadā paludꝫ in cōmuni campo voc' **Metherfield**, de B. pd' in com' E. pd' exiit', ſagit & exoneravit, Angl' **diſcharged**, contra form' ſtatuti præd', ac contra pacem dict' dom. Reginæ nunc, coron' & dignitat' ſuam.

For being a common Barretor, for keeping a blind Taverne, and receiving ſuſpicious perſons, and the wife a Scold.

Sect. 203. INquiratur &c. ſi I.S. nup de C. in Com' N. **Labourer**, eſt homo malæ converſation' & gubernation', ac cōmunis barrat' & pacis dom' Reg. pturbator. Et ꝙ idem I.S. apud G. pd' in com' N. pd' cuſtod', tenet, & occupat quand' domum, ſive Tabern', non habēt uſuale ſign' aptè appoſit, vulgariter dict' **a blind Tauerne**. Et qd primo die Junii, &c. Necnō diverſis dieb⁹ & noctib⁹ antea & poſtea, in eand' domū diver' hoīes malæ cōverſation', et ſuſpect', veniēt omnib⁹ horis, tam noct', quā diei, recipit & hoſpit' eſt, ꝓ ꝙ vicini ſui ac alii ligei populi dict' domī reg. ibid' multipliciter

pliciter vexant̃, inquietant̃,& gravant̃,& miniſtri dñæ regñ, ꝓpter pacis conſervationē, officia ſua ibid. exercere & exeq' ꝓhibent̃, & ſepenumr̃ in periculo amiſſioñ vitæ et leſionis corpoꝝ ſuoꝝ quotidie exiſt'. Eꝯ I.uxor ꝓd̃ I.S. eſt communis objurgatrix, tam cum vicinis q̃ cum aliis ligeis dict̃ dñæ Reg. ꝑ qd populi dict̃ dñæ reg. multipliciter moleſtant̃,inquietant̃,& gravant̃, contr̃ pac' dictæ dñæ reg. &c.

For breaking of a ſtable, and taking out of the ſame a Gelding and a Mare, and the acceſſarie after.

IUr̃ pro dom̃ regina preſentant,qd A.B.nuper de C.in Com̃ E. viceſimo nono die Aug.Anñ Reg.dict̃ dominæ noſtræ Elizabethæ, Dei gratia Angl',Franc',& Hiberñ Reginæ fidei defenſoris,&c. Triceſimo quarto,vi & armis quoddam ſtabulum in domo manſionali cujuſd̃ I.S. infra parochiam de C. prædict' in comitatu E. prædict̃ exiſtens, fregit & intravit,& unum equum ſpadonē (Angl' vocat̃ **a gelding**) coloris albi, precii ſex libraꝝ et unam equam coloꝝ nigri, precii 30. ſolid̃ de bonis & catallis ipſius I. S. tunc et ibid̃ exiſten inventos feloñ cepit & abduxit,contr̃ pac' dict' dñæ Regiñ coroñ et dignitatem ſuas. Et qd K.H. nup de C. pred̃ in com̃ E. predict' **hoꝛſecoꝛſer**, ſciens pref. A. B. feloñ prædict' apud C. præd̃ in com̃ E. prædict̃ modo & forma præd̃ feciſſe & ꝓpetraſſe, eund̃ tamen A.B.apud C.præd̃ in com̃ E.præd̃ 30. die dict' menſis Aug. Anno ſuprad̃ feloñ recepit & hoſpitio excepit, poſt felon' prædict̃ ſic per ipſum A.B. ut præfertur factam & cōmiſſam: contra pac' dict̃ dom̃ nr̃e Reg. nunc, & contra coron', ac regiam dignitatem ſuas. Sect.204. Receit.

An Indictment againſt a ſervant of the age of 19. yeares retained for one yeare for going away with ten pounds, the which his maſter delivered unto him in truſt, to keepe it for him.

IVr̃ p̃ſent̃, ꝓ domina reg. qd cum A.B. de C. in comitatu E. **Mercer**, viceſimo die Septēbris, Anno regni dominæ noſtræ Elizabethæ, dei gratia Angliæ,Franciæ,et Hiberniæ Reginæ,fidei defenſoris,&c. Triceſimo quarto, in domo manſionali ipſius A.B. apud C. prædict' in Comitatu E. præd. deliberaſſet cuidam E. F.de C. prædicta in dicto Comitatu E. **Mercer**, tunc ſervienti ipſius A. B. pro uno anno integro retento,ac ætatis novem decem annorum exiſtenti, decem libras in pecuniis numeratis, de bonis ipſius A.B.ea intentione,ut idem E.F. eaſdem ſalvo cuſtodiret, ad uſum pred̃ A.B. tunc magiſtr̃ ſui : Idem E. F. dicto viceſimo die Septemb. anno ſuprad̃ (apprenticius dicti A. B. tunc non exiſtens) apud C. præd̃ in comitatu E. ꝓd̃ à dicto magiſtro Sect.205.

ſuo una cum pred decem libr̃ dict̃ A.B. tunc magiſtr' ſui malitioſe et ſe feloñ diſceſſit, abiit et aufugit, ea intentione, ad furand̃ dict' decem libr' contr̃ fiduciam in eo p̃ pref. A.B. tũc magiſtr' ſuum repoſit et collocatã, et ad inde dictum A.B. magiſtr' ſuum pred' defraudand̃: contr̃ pacẽ dict̃ dñi Reg. ac contr' formam diverſor' ſtat̃ hujus regni Angl̃ in hm̃di caſu, proviſorum et æditorum.

For ſtealing of a Cow, and the acceſſories before the offence committed.

Sect. 206. IVr̃ pro dña Reg. preſentant, quod A.B. de C. in com̃ E. **Shomaker**, primo die Iu. Anñ Reg. dict̃ dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ fidei defenſoris, &c. Triceſimo quarto, in quodam loco infra parochiam de C. prædict' in Comitatu E. prædict̃ (vocato **the Cow paſture**) vi et armis, &c. clauſum cujuſdam I.S. de D. in com̃ E. pred̃ **Yeoman**, fregit & intravit, & quandam vaccam (coloris nigri, preeii 40. ſolid̃) de bonis & catallis pred̃ I. S. tunc ibid̃ exiſtent̃ inventam, feloñ cepit, furatus eſt, & abduxit contra pacem dict̃ dñæ Regiñ nunc coroñ & dignitatem ſuas. Et quod quidam G.H. de C. pred̃ in dict' com̃ E. **Butcher**, ante feloñ predict̃, ſcz. eodem primo die Iunii, Anno triceſimo quarto ſuprad̃ eund̃ A. B. apud C. pred̃ in com̃ E. predict̃, ad feloñ predict̃ faciend̃ et perpetrand̃, malitioſe et feloñ excitavit, perſuaſit, & procuravit, contra pacem dict̃ dñæ Reg. coroñ & dignitatem ſuam.

Procurement.

An indictment upon the ſtatute of Anno 21. H. 8. *againſt a ſervant above the age of* 18. *yeares, for going away with a bracelet of gold, worth* 17. li. *delivered to him by his Maſter to keepe, wherein the Statute is recited.*

Sect. 207. IVratoř preſent̃, &c. quod cum per quendam act' in Parliamento dñi H. nup̃ regis Angliæ 8. apud Weſtm̃ in com̃ Midd̃, añ reg. ſui 21. tent̃ æditř. per dict̃ dominum Reg. cum aſſenſu dñoř ſpiritualium & tẽporalium, ac communitatis in eod̃ Parliamento congregat̃, necnon authoritate ejuſd̃ inter alia adtunc ibid̃ inactit̃ exiſtit, Quod ſi aliquis ſerv', cui ejuſd̃ Magiſter vel Magiſtra liberat̃ aliqua bona valoř 40. s. cuſt diſceſſerit cum bonis illis cum intentione ad furandum vel retrahendũ eadẽ, foret felonia, put per eund̃ actũ plene liquet. Qui quidem actus poſtea per quendam alium actum in Parliament̃ dominæ Mariæ nup̃ reg. Angl̃ Apud Weſtm̃ p̃d̃, anñ reg. ſui primo, tẽt̃, æditř, fuit repellat̃ et annihilat̃, ac poſtea p̃ quẽdã alium actũ in pliam̃to dñæ Reg. nũc apud Weſt. p̃d̃ anñ regñ ſui 5. tent̃, æditř, revivat̃, & adhuc in vigore exiſtit.

Ac

Ac etiam cum C.P. armig' ſecundo die S. anno regni dictæ dñæ reginæ nunc 15. apud G. in com' M. præd', liberaſſet I.G. nuper de E. in Com' M. præd' **Husbandman**, adtunc ſervient' ſuo & non apren' ſuo exiſten', & ulr' ætat' 18. annor' quoddam brachiale auri, Angl' **a bracelet of gold**, valor' 18. l. &c. de bonis & catallis præd' C. pro eod' C ſalvo cuſtod', Præd' tamen I.G. ſtatut' præd' minime ponderans, nec pœnam in eod' contentã verens, apud G. præd' in dict' com' M. eod' ſecundo die S. an' 15. ſuprad' à præfat' C. adtunc Magiſtr' ſuo ſe ipſum retraxit et cũ brachiali præd' feloñ diſceſſit, ea intentione ad furand' brachiale præd', ad defraudand' præd' C. Magiſtrum ſuum de brachiali præd', cont' fiduciã & confidentiam in eod' I. per præd' C. Magiſtrũ ſuum repoſit', ac cont' form' ſtatuti præd' inter cæteros articulos quorum &c.

For converting Tillage into Paſture for Conies, to the hurt of their neighbours.

Sect. 208.

Iuratores p̃ſent' p dom' Regina, q̃ H. W. de A. in com' E. gener', primo die Novemb. anno regni dict' dom' nr̃æ Elizab. Dei gratia, &c. Triceſimo quarto, ſeiſitus exiſtens in dominico ſuo ut de feodo, de & in 12. acr' ter' arabilis in A. præd' in com' E. præd' jacentibus (ac de, aut in aliqua libera warrenna non exiſtentibus ſed per ſpaciũ 4. annorũ dict' primum diem Novemb. anno ſuprad' p̃xim' p̃cedentium, in cultur' & ſeminationõ granor' uſitatis & applicatis) dicto primo die Novemb. anno ſuprad', ac diverſis aliis diebus & vicibus, antea & poſt præd' 12. acr' terr' arabilis, à cultor' præd' & ſationõ granor', uſq; in hunc diem p̃ſent', in paſtur' p cuniculis cuſtodiendis convertebat, & adhuc convertit & cuſtod', ad grave nocumentum I.R.R. T. & W. M. de A. pred' in dict' com' E. (vicinor' ibid' exiſtent') ac contra form' diverſ. ſtatut' in hm̃di caſu p̃viſ. & æditt'.

An Indictment againſt one, for ſuffring of three houſes of husbandry to decay and for putting out of the husbandmen, and converting of the land belonging to the ſame, from tillage to paſture.

Sect. 209.

Inquiratur p domina Regina, Si I.K. nuper de T. in com' E. geñ, primo die Octobris, anñ &c. ſeiſit' in dominico ſuo ut de feodo, de & in 8. meſuag' agriculturæ in T. prædict' in dicto com' E. in quibus ſeptẽ ſeperales agricolæ (Anglice vocat' **Husbandmen**,) adtunc inhabitabant, ac de & in trecent' acris terr' arabil' in T. prædict' in dicto Comitatu E. in cultura & ſeminatione granor' uſitat' & applicat' adtunc exiſtent', de quibus triginta acræ ad minus cum quolibet dictor' meſuagior' adtunc ſeparatim occupat' & uſitat' fuerunt. Et quod præd' I. K. leges

& ſtatuꝫ hujus regni Angl' parvi pendens, dicto primo die Octob' anñ &c. ſupradicto, ac diverſis diebus, & vicibus antea & poſtea, ꝓ proprio lucro & ſingulari cõmodꝺ ſuo, tres agricolas dictorum ſeptem, de tribus de prædict' ſeptem meſuagiis adtunc expulit & amovit, & eaꝺ tria meſuagia abſq; aliquo inhabitanꝫ, ſive aliquibus inhabitantibus in eiſꝺ, irreparaꝫ ſtare, & in decaſ. & ruinam cadere, adtunc & deinceps uſq; diem captionis hujus inquiſitionis voluntrariè cauſavit & permiſit. Inſuper qd præꝺ I. K. die & anno ſupradicto, ac diverſis diebus & vicibus antea & poſtea, cenꝫ acrꝫ prædictarum tricentarum acrarũ terræ arabil' jacenꝫ & exiſtenꝫ in T. prædict' in coñ E. prædicꝫ, cũ foſſat & ſepib⁹ vivis incluſit, & illas abinde à cultura agricul curæ & ſeminatione granorum uſq; diem captionis hujus inquiſitionis in paſtuꝫ convertebat & cuſtodiebat, & adhuc convertit & cuſtodit, in malum & ꝑnitioſum exemplum aliorum, ac contra formñ diverſ. ſtatuꝫ in hm̃di caſu æditꝫ & proviſ. &c.

An Indictment againſt a Prieſt for his affirming that the Pope of Rome is ſupreame head of the Church of England, and againſt one as acceſſary for comforting of him therein.

Sect. 210. Juraꝫ præſentant pro domina Regina, qd I. S. de C. in coñ E. Clericꝰ, viceſimo die menſis Apꝛ, anno regni ſereniſſimæ dominæ Elizabeth. Dei gratia Angliæ, Franciæ, & Hyberniæ reginæ, fidei defenſoris, &c. triceſimo quarto apud D. in comitatu E. prædicto, ſcienꝫ, conſideraꝫ, malitioſe, & directe palam in præſentia multoꝝ dictæ dominæ reginæ noſtræ nunc ſubditorum, affirmavit, & defendit authoritatem Papæ Romani Eccleſiaſticam in regno Angliæ præantea uſurpatam, his expreſſis verbis anglicanis ſequentib⁹, viz. **I ſweare by the bleſſed Maſſe, and will auow that our holy father the Pope of Rome, is the ſupreame of the Church of England**, in magnam derogationem regiæ authoritatis, & prærogativæ dictæ doñ reginæ noſtræ, ac contra coronam & dignitatem ſuam, necnon contra formam diverſoꝝ ſtatutoꝝ in hm̃di caſu æditorum & proviſorum. Et qꝺ A. B. de D. prædicꝫ in com. E. prædicꝫ **Marchandler**, ſciens ipſum I. S. dicta verba loquutum eſſe, ac dictam dicti Papæ authoritatem modo & forma ut præfertur, defendiſſe, ipſum I. S. apud D. predꝺ, in dicto com. E. poſtea ſcilicet 22. die dicti menſis A. anno ſupradicto, conſolatus eſt & comfortavit, ex induſtria & ex propoſito, & ad eam intentionem, ut idem A. B. promoveret & efferret præf. dicti Papæ authoritaꝫ uſurpatam, in pernitioſiſſimum aliorum exemplum, ac contra coronam, & dignitat. dictæ doñ Regiñ nr̃æ nunc, ac etiam contra form. diverſoꝝ ſtatutor' in ejuſmodi caſu ꝓviſorum & editorum.

An Indictment against a Priest, for practising to absolve and perswade a Widow woman from her obedience and subjection to the Queene, and to obey the authoritie of the See of Rome.

INquir̃ p̃ domina Regiñ, si A. B. de C. in dicto com̃ E. clericus 6. die mensis Maii, anno reg. dict. dominæ nr̃æ Eliz. dei gratia Ang. Franc', & Hiberñ Reginæ, fidei defensoris, &c. Tricesimo quarto, apud C. p̃d̃ in com' E. prædicto voluntarie & proditorie, conatus est, & practicavit absolvere, persuadere, & seducere quandam I. W. de C. præd̃ in com̃ E. prædicto viduam à naturali obedientia & subjectiõ sua quam ead̃ I. erga dict. dominam nostram regiñ gerere debet, ad obediendum p̃tensæ authoritati Sedis Romanæ, tunc & ibid̃ p̃ditorie præ se ferens & asserens se habere potestatem & facultatem id faciendi, & tunc & ibid̃ proditorie dicens eid̃em Johannæ his Anglic' verbis sequentibus, **Mother Joane you shall haue a blacke soule (I tell you) if you doe not the sooner forsake the Quéene** (innuendo præd. domiñ nr̃ã reg. nunc) **and her heresie, and yéeld your selfe to the obedience of our mother Church, the holy sée of Rome:** contra pac' dict. domiñ nostr̃ reginæ, coroñ, & regalem dignit̃ suam & contra form' statuti in parliamento dictæ dominæ nostræ regiñ tento apud Westm' in com. Midd̃, anno dicti regn' sui vicesimo tertio, in hm̃di casu provis. & æditi. Sect. 211.

An Indictment against a Jesuite, and against one for receiving of him, upon the statute of Anno 27. *of the Queene Eliz.*

INquir̃ pro domina Regiñ, si E. C. nuper de S. in com. E. præd. Clericus, natus apud S. p̃d̃ in com' E. p̃d̃ atq; infra annũ iam prox' preteritum fact' & professus Jesuita p̃ authoritatem à sede Romana derivatam proditor̃ apud S. præd. in com' E. præd̃, 6. die Julii, anñ reg. dict' dñæ nr̃æ Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Regiñ fidei defensor̃, &c. Tricesimo quarto, à partibus transmarinis applicuit, & dicto 6. die anno supradicto, & nonnullis aliis diebus tunc proxime sequentibus apud S. præd̃ in com. E. præd̃ proditorie moram fecit ac remansit: contra formam cujusdam statuti in parliam̃to dict. domin' Reg. nostræ nunc tento apud Westm' in com. Midd̃ anno regni sui vicesimo septimo, in hujusmodi casu provis̃, & editi, ac contra pacem dictæ dñæ reginæ coronam, & dignitatem suas. Et si W. B. de S. præd̃ in dicto comitatu E. mercator, scienter, voluntarie, & felonice postea, scz. dicto, 6. die dicti mensis Julii anno supradicto prædict̃ E. C. apud S. præd̃ in com. E. præd. receptavit & confortavit dicto W. B. adtunc & ibidem ad largum & extra prisonam existente, ac præfat̃ E. C. hujusmo- Sect. 212. Recetz.

hujusmodi Jesuitã esse, tunc & ibiđ sciente & cognoscente: Conť form' statuti prædđ, ac contra pac' Coron̄ & dignitať dict' dñæ reg. nr̄æ.

For a trespasse in Corne, Grasse, and Plowing.

Sect. 213. INquir' p dña regiñ, Si A.B. de C. in com' E. **Yeoman**, 20. die mensis A. ann. reg. dñæ nostr̄ Eliz. Dei gratia Angl', Franc', & Hiberñ regiñ, fidei defensor' &c. Tricesimo quarto, quoddã clausũ cujusđ I.S. apud C. prædđ in com' E. prædđ (vulgariter voc' **Cowlease**,) vi & armis fregit ac intravit, ac herbas & blada triticea ipsius I. S. tunc ibiđ crescentia ad valentiã 20. s.) cum quibusđ bobus, & bidentibus ipsius A.B. tunc ibiđ depastus est ac consumpsit nec non solum & fundũ ipsius I.S. tunc ibiđ cum quodam aratro subvertit, p q prædđ I. S. omne commodum & pficuum dicť soli sui per longum tempus postea amisit. Ac alia damna & enormia prædđ I.S. tunc ibiđ intulit, ad grave damñ ipsius I. S. ac contra pac' dicť dñæ nostr̄ Reg. nunc, coron̄ & dignitať suas.

For eating Corne with a flock of sheepe.

Sect. 214. INquirať &c. Si I.M. de M. in com' E. **Shæpherd**, 20. die M. Ann̄ reg. &c. apud V. in com' E. predđ vi & armis, viz. baculis, & cultellis clausum I. S. fregit, & blada ipsius I.S. viz. hordea & avenas in 30. acr̄ terr' tunc ibiđ crescen̄ cum grege ovium in custodia sua existen̄ depastus fuit, conculcavit, & consumpsit, & alia enormia ei intulit ad grave damñ ipsius I.S. ac contr' pac' dicť &c.

For Trespasse in Fishgarths in the hands of divers farmors, and for the taking of three Salmons.

Sect. 215. IUrať p̄sent̄ p dña Reg. q W.S. de B. in com' L. **Yeoman**, I.W. de eadđ villa in com' L. prædđ **yeoman**, & I.W. de T. in com' L. p̄dđ **yeoman**, 8. die Martii, Ann̄ &c. circa horam 4. post meridiem ejusđ diei, in S. K. & B. in com' L. predđ vi & ar' &c. in quand̄ pisc' voc' **Fishgarths**, tunc in tenura & occupat' R. F. C.L. & I. firmar̄ ibiđ dict' dñæ reg. intraver̄ & freger' & tres Salmones ad valenc' 20. s. de bonis & catall' p̄dđ R.F.C.L. & I.L. in pisc' predđ ceperunt & abinde asportaver', contr' voluntat' prædđ R. F. &c. ad grave damnum ipsor' R. F. &c. ac contr' pac' dict' dom̄ Reginæ nunc, &c.

An Indictment against one for taking above the rate of x. li. in the 100. li. for the lone thereof for one yeare.

Sect. 216. IUratores p domina Regina præsent', q ubi A. B. de C. in comit' E. **Mercer**, primo die O. Anno regni dñæ nr'æ Elizabethæ, Dei gratia, Angliæ

Angliæ, Franc', & Hiberñ Reg. fidei defenſor' &c. Triceſimo quarto apud C. præd in dicto com E. mutuo dediſſet, ac accommodaſſet cuidã D.E. de C. præd in dicto com E. Shomaker, ſummã 20. ℔ in pecuniis numeratis de pecuniis dicti A. B. ea intentione, ut idẽ D. E. 20.li. eidẽ A. B. redderet & reſolveret primo die Apriℓ tunc ꝑx' futur': Idẽ A. B. adtunc & ibid injuſte cepit & habuit pre manibus de prenominato D. E. viginti ſex ſolid in lucro, uſura, & ꝓficuo, ꝓ differendo & dand diẽ ſolutionis, ſic ut prefertur, earundem 20. libr̃ à dicto primo die O. Anñ ſuprad' uſq; dictum 1. diem A. tunc ꝑx' ſequent, qui quidem viginti ſex ſolid' (modo & forma præd, præ manibus capti & habiti) multo excedunt & ſuperant ratam & proportionem decem librarum ꝓ centũ libr̃ pro uno anno integro accommod ad damnũ non mediocre ipſius D.E. ac in contempt dict' dom' Reg. nunc, necnon cont form' diverſ. ſtatut in hujuſd. caſu proviſ. & edit.

Another Indictment of the ſame effect upon the ſtatute of Anno 34. *Hen. 8. in which the Statute is recited.*

IUratores pro domina Regina preſent, qd cum ꝓ quendam actum in Parliamento dñæ Regiñ nunc apud Weſt. in com' Midd 2. die A. anno regni ſui tertio decimo, tent edit int alia in actit ſuit, qd quidã actus in Parliamento dñi H. nup reg. Ang' 8. apud Weſt. præd. anno regni ſui xxxvij. tent edit ꝓ reformatiõ uſuræ ab & poſt xxv. diem Junii prox' ſequeñ præd ſecund diem A. anno regni dicti dom Regiñ nunc xiii. ſuprad' revivat foret & ſtaret in ſuo pleno robore, vigore & effectu, in quo quidem actu in Parliamento dicti nuper regis H. 8. Anno regni ſui 37. ſuprad tent', & edit inactit fuit authoritate ejuſd ꝓliamen', ꝙ nulla ꝓſona ſive perſonæ, cujuſcunq; ſtatus gradus, ſive conditionis, ipſe vel ipſi foret ſive forent, ad aliquod tempus poſt ultimum diẽ Jañ in actu illo mencionat', per viã ſive mediũ aliquat corruptat barganiæ, accommodationis, excambii chevãſancie, cautele, ſive intereſſe, aliquat merchandizat, mercium, aut alicujus alius rei, ſive aliquat aliarum rerum quarumcunq;, aut ꝓ aliquã aliam corrupt ſive deceptivam viam, vel medium, aut ꝓ aliquam, covinam, ingenium, ſive deceptivam viam, vel conveiãtiam, haberent, reciperent, acciperent ſive caperẽt, in lucro, vel proficuo, pro differendo ſeu dando diem ſolutionis unius anñ integri, de & ꝓ eius vel eorum denariis vel alia re quæ foret debita ꝓ eiſd mercibus, merchandiſis, ſive alia re vel rebus, ultra ſumm decem libr̃ pro centum libris, & ſic ſecundum ratam illam, & non ultra, de & pro majore ſive minore ſumma, ſeu ꝓ longiore ſive breviore tẽpore, & nõ plus ſive majus lucrum vel ſumm' inde habend, ſub pœna forisfaciendi Sect. 217.

endi & amittendi pro qualibet offenſ. triplum valorem mercium, merchandizaꝝ, & alius rei vel rerum ſic barganizaꝝ, venditꝝ, excambiaꝝ, ſive accommodaꝝ, & ac etiam haberet & ſufferret impriſonamenꝫ corporis ſui, & faceret finem & redemptiõ ad voluntatem dicti domini reg. de qua quidem forisfactura triplicis valoris præd', una medietas eſſet dicꝫ dño Regi, & altera medietas illi vel illis qui pro eadem proſequeꝫ in aliqua curiarum, dicti nuper Regis, de recordo, in qua ſecta nulla, vadiatio legis, eſſonium ſive ꝓtectio allocaretur, prout in eodem ſtatuto de anno 27. dicti nuper Reg. H. 8. ſuprad̄ plenius continetur: Cumque etiam quidam R.B. de &c. poſt p̄d̄ 2. diem A. anno 13. dictæ dom' reg. nunc ſuprad', ſcil. 22. die D. anno regni ejuſd. domiñ reg. 21. apud L. in coñ E. præd', accoñodaſſet cuidam C. F. 4. l. idem R. B. ſtatuꝫ præd. minime ponderans, nec pœnã in eod' contenꝫ verens, adtunc & ibiꝺ recepit & habuit de p̄faꝫ C. F. in lucro & proficuo pro differendo & dando diem ſolutionis earundem 4. l. ab eoꝺ 22. die D. anno 21. ſuprad. usque 6. diem A. tunc prox' ſequeñ viij. s. qui quidem viij. s. in lucro & proficuo pro differendo & dando diem ſolutionis dictarũ 4 l. à præd. 22. die D. anno 21. ſuprad' uſq; præd. 6. diem A. extunc ꝓxim' ſequeñ, excedunr ratam x. l. pro 100. l. ꝓ uno anno integro conꝫ form' & effectum ſtatuti præd', ad grave damñ ipſius C. F. &c.

An Indictment againſt one occupying a Plow-land in the Pariſh, for not comming at the dayes appointed by the Surveyors of the Highwayes, to helpe to amend the Highwayes within the Pariſh.

Sect. 218.

IUr̄ ꝓ dña Reg. præſenꝫ, q̄ ubi die Martis in ſeptim̄ P. iam ultimo p̄terito, ſcz. 7. die menſis A. anno regni dicꝫ dom' noſtræ Eliz. Dei gratia Ang. Fr. & Hyb. Reg. fidei defenſoris &c. 34. A. B. tunc Conſtabularius villæ de C. in dicꝫ com. E. &c. & D. E. & F. G. tum gardiani Eccleſiæ parochialis de C. præd. in com' E. præd̄ exiſtentes, vocatis ad ſe multis aliis parochianis dictæ parochiæ de C. tunc & ibid' elegerunt quoſdam I. S. & R. N. duas honeſt' ejuſdem parochiæ perſonas in ſuperviſores pro anno integro tunc proxim' ſequeñ, pro emendatione & reparaꝝ altarum regiarum viarum infra dicꝫ parochiam de C. ducentium à villis mercatoriis ad vilꝫ mercatorias: Ac etiam tunc ibiꝺ nominaverunt & appunctaverunt ſex dies, viz. 1. 2. 3. 4. 5. & 6. dies menſis Maii tunc proxim' ſequentis pro dicta emendatione dictarum viaꝝ, & nominaꝝ pro emendatione illius viæ regiæ ibidem, quæ eſt inter &c. atque de eiſdem ſex diebus ſic per eos ut prefertur, nominaꝝ, & appunctuatis dederunt palam poſtea (ſcz. die dominic' dicꝫ Paſch. tunc ꝓx' ſequenꝫ) publicam notitiam in dicta eccl̄ pochiali. Quidem tamen T. W. tum & adtunc parochianus de C. præd̄ in com. E. prædict' exiſtens,

exiſtens, ac tum habens & occup̃ in dicta paroch' de C. in comit̃ E. p̃dict', unam integram carucatam terræ arabilis (Anglic' dict' **a plough-land**) ad nullam dictor̃ 1. 2. 3. 4. 5. 6. dierum dicti menſis annũ ſuprad', prorſus invenit aut miſit currum inſtructum (Anglice dict̃ **a waine or cart furniſhed**) equis, bobus, aut aliis animalibus, & neceſſariis inſtrumentis, ſecund̃ morem patriæ ibid̃: nec ullos habiles homines, erga emendationem & reparatioñ dictarum viarum, aut earum aliquã inde parcellam, ſed inde tunc ibidem voluntarie fecit defaltam, in dictæ dominæ reginæ contemptum, ac contra formam diverſ. ſtatut̃ in hm̃di caſu proviſ. & æditi.

An Indictment againſt a Towne for not keeping Watch according to the Statute of Winchester, Anno 13. Ed. 1.

Iuratoꝛ pro dom. regina præſentant, quod à decimo die Jun', ann' reg. dictæ dñæ nr̃æ Eliz. Dei gratia Angliæ, &c. 35. uſque ultimam diem menſis Aug' ann' ſuprad', homines & inhabitantes villæ de C. in com. E. nullas vigilias à ſolis occaſu uſq; ad ſolis ortum, in dicta villa de C. in com' E. præd', per aliquot homines fecerunt, aut cuſtod', prout de jure & antiqua conſuetudine hujus regni Angliæ facere debent & ſolebant: In dict̃ dñæ regin' nunc contempt̃, ac contra form' cujuſd' ſtatut̃ in parliamento dñi Ed. olim regis Angl' primi, apud Winton, ann' regni ſui 13. tento, in hm̃di cuſu proviſi & editi. Sect. 219.

An Indictment againſt the inhabitants of a hundred, for not keeping ſea watch at Sandgate, according to the ſtatute of Anno 5. Ed. 4.

Iurat̃ pro dom' regiñ præſentant, qd ubi homiñ & inhabitantes hundredi de F. in com' M. præd', antiquitus (viz. ante annũ regni domiñ H. nuper regis Angliæ quarti quintum) quaſd' maritimas & minutas vigilias (Anglice voc' **Sea watch**) tempore belli per coſteram maris in quodam loco (vocato **Sandgate**) in dicto com' M. per quatuor homines ſingulis noctibus (à tempore in cujus contrarium memoria hominum tunc non exiſtebat) cuſtodire debebant & ſolebant: dicti tam̃ hundredi de F. homines & inhabitantes nũc, tempore nuper belli, viz. à 24. die Julii, anno regni dictæ dñæ nr̃æ Eliz. Dei gratia &c. 30. uſq; 34. diem dicti menſis, anno ſuprad', præd' vigilias apud **Sandgate**, p̃d', modo & forma præd', facere & cuſtodire voluntarie prætermiſerunt & neglexerunt, ac in eiſdem vigiliis tunc ibidem ſic ut prefertur faciendis ac cuſtod') voluntariam fecerunt defaltam: In dictæ dom. reginæ contempt̃, ac hujus regni ſui Angliæ diſcrimen non modicum, ac contra formam ſtatuti in parliamento dicti domini Henrici nup regis Angliæ quart̃ tent̃, anno regni ſui quint̃ præd', in hujuſmodi caſu proviſi ac æditi. Sect. 220.

For

For killing a man by witchcraft upon the ſtate.of Anno. 5. *of the Queene.*

Sect.221. IUrat̃ preſent̃ ꝑ domina Regina, ꝙ S.B. de C. in com̃ H. vidua, x. die Aug', Anñ regni dict' dom' nr̃æ Eliz. Dei gratia Angl' &c. triceſimo quarto, ac diverſis aliis diebus poſt dict' x. diem, quaſd artes deteſtand' Angl' voc' **witchcraft and ſorcery**, nequiter & felonice practicavit & exercuit apud C. pred', in com̃ H. præd̃, in, ſuper, & contra quend̃ I. N. de C. præd̃ in dicto com' H. **Laborer**, per quas quidem artes dict' I. N. à præd̃ x. die Aug. anno 34. ſuprad̃ uſq; 24. diem præd̃ menſis Aug. anno 34. ſuprad', periculoſiſſimè ac mortaliter ægrotabat & lãguebat. Ac eod' 24. die Auguſt. anno ſuprad. idem I. N. per artes præd. in dicto com' H. obiit. Et ſic Juratores præd. præſentant, ꝙ eadẽ Sara ipſum I. N. apud C. pred', modo & forma ſuprad̃, ex malit̃ ſua p̃cogit̃, volunt̃, nequiter feloñ per artes præd̃, occidit ac interfecit, cont̃ pac. dict' dom' Reginæ nr̃æ, ac contra form̃ ſtatuti in Parliamento dict' dom' Reg. nr̃æ (tento apud Weſt. in com' Midd', anno regni ſui præd. quint̃) in hm̃di caſu ꝓviſi ac ædit̃.

The like Indictment.

Sect.222. INquiſ̃ ꝓ domina reg. Si Marg. L. de A. in com̃ E. **Spinſter**, 24. die Jun̄, anno reg. dn̄æ nr̃æ Eliz. 15. ac diverſis aliis diebus et vicibus, tũ antea quam poſtea, Deum præ oculis ſuis non habens, ſed inſtigatione diabol' ſeduct̃, quaſdam malas diabolicas artes, Anglice voc' **Witchcrafts, Inchantments, Charmes, and Sorceries**, nequiter diabolic' & felon̄ apud H. præd̃, in com' E. præd' ex malitia ſua præcogit̃ uſa fuit, practicavit, & exercuit, in & ſuper quendam W. N. prætextu cujus p̃d W. à præd. 24. die Jun̄ anno ſuprad. uſq; 24. diem Dec' anno reg. dict̃ dn̄æ regin̄ Eliz. &c. 35. præd. languebat, quo quidem 24. die Dec' ſuprad', præd. W. ratione practicationis & exercit̃ diabolic' artiũ præd', apud H. præd. in com' E. præd', obiit. Et ſic p̃d M. ipſum W. apud H. p̃d' in com̃ E. p̃d' modo & forma ſuprad', & ex malitia ſua præcogit̃ interf. cont̃ pac' dict̃ dn̄æ reg. & contra form' ſtatuti &c.

For bewitching a horſe, whereby he waſted and became worſe.

Sect.223. INquiſ̃ ꝓ domina Regina, Si Sara B de C. in Com' Eb. vidua, 20. die Auguſt. anno regni dict̃ dn̄æ nr̃æ Eliz. &c. 34. quaſdam artes nequiſſimas (Anglice vocatas **Inchantments and charmes**) apud C. præd̃ in Comitatu Eb. prædicto malitioſe, & diabolice, in, ſuper, & contra quẽdam equum, coloris albi, precii 4. l. de bonis & catallis cujuſdam I. S. de C. præd' in dicto Comit̃ E. generẽ exiſtentem, exercuit, & practicavit,

cavit. Per qd idem equus dict' I. S. 20. die pred' apud C. pred' omnino pejoratus est, et vastatus: contr' pacem dict' dom' reg. et contr' form' stat' in ejusmodi casu provis. ac æditi.

For taking away of a widow, and marrying of her against her will contrary to the statute of Anno 3. H. 7.

Sect. 224.

IUrat' pſent', pro domina Regina qd A.B. de C. in dict' com' E. Singingman, 2. die Aprilis, Ann' reg. dict' dominæ noſtræ Elizabethæ &c. 35. vi et armis in domum manſional' cujusd' H. B. de C. præd' in com' E. pred' viduæ infra parochiam de C. predict' in com' E. pred', intravit, (que quidem H.B. ſeiſita fuit in dominico ſuo ut de feodo, de & in diverſis terris & tenementis in C. pred' in com' E. predict', clari annui valoris 10. ſ ultra omnes repriſas exiſtentibus) ac immediate poſtea, viz. dict' 2. die April', anno ſuprad' idem A.B. pred' H. B. tunc ibid' in dict' doma ſua in pace dei, ac dictæ Dom' Regin' exiſtentem ex dicta domo ſua manſionali contra voluntat' ipſius H. B. illegitime ac felon' extraxit, eripuit, & abduxit, ac eadem H.B. poſtea (ſcz. 3. die dicti menſis Aprilis anno ſupradict') in Eccleſia parochiali de C. pred' in com' E. præd', cepit in uxorem ſuam: ubi idem A. B. dicto tempore extractionis & abductionis pred', non clamavit, nec clamare potuit, eandem H. B. tanquam Wardam ſuam, aut tanquam Nativam ſuam: in magnam pacis dict' dom' Reg' nunc perturbation', ac contra formã cujusd' Stat' in Parliamento Dom' Hen' nup' Reg. Angl' ſeptimi, tento Ann' reg. ſui tertio, in hm'di caſu provis. ac æditi.

An Indictment for Burglarie by night.

Sect. 225.

IUrat' pſent', p' dom' Reg. qd E.D. nup de &c. 2. die I. &c. vi & armis, &c. domum manſional' R. H. apud E. in com' præd' circiter horam undecimam in nocte ejusd' diei adtunc & ibidem felon' & burglariter fregit contr' pacem dict' dom' &c.

An Indictment for ſtealing a Hog in a common.

Sect. 226.

IUrat' pſent', p' domina Reg. qd F.B. de C. quarto &c. Febr' &c. vi & armis &c. in quand' commun' intra nov' Foreſtam voc' intra paroc' de C. in C. præd' fregit et intravit, et unũ porcũ color' red ſpeckled, precii 12. d. de bonis & catallis B.D. adtunc et ibid' invent' felon' cepit, & effugavit contra pacem dict' dom' reg. &c.

An

An Indictment for a wilfull eſcape of a Priſoner committed for felony to a Conſtable to be brought to the common Gaole, and a Knight who is no Iuſtice of peace commanded the ſaid Conſtable to bring the Priſoner before him, by reaſon whereof the ſaid priſoner did eſcape.

Sect. 227. IVrat preſent, pro dom Regina qd cum I. D. nuper de &c. pro diverſ. felonijs per ipſum ꝓpetrat & ꝓ eiſdem felonijs corā A. B. arm uno Iuſtic' dict' dnæ reg. ad pacem Conſtabulor dict dominæ reg' *concord fuerit, & per eundem A. B. ſub Cuſtod pred conſtabular pro felon præd ad generalem gaolā dict dnæ Reg. in com præd comiſſ. fuit, ibid ſalvo cuſtodiend quouſq; ſecund legem & conſuetud hujus regni Angl deliberaretur. Et W.P. de &c. Miles non exiſten Iuſtic' dict dñe reg. ad pacem in com præd miſit & precipit quend I. N. de &c. Conſtabular, &c. ad ducendum præd I. D. cor ipſo.

An Indictment for ſtealing ſheepe.

Sect. 228. IVr preſent &c. qd A.B. &c. quarto die &c. vi et armis, viz. clauſum T.G. de &c. fregit et intravit, & duas oves matrices coloris nigri ꝓcii 7.s. de bonis & catallis dict' T.G. felon ceepit, abduxit et aſportavit contra pacem &c.

An Indictment againſt one for breaking of a houſe, and murdring of one with a Cudgell in his bed, by privity and conſent of the wife of the murdred.

Sect. 229. IVr ꝓſent ꝙ &c. Ed. nup de E. &c. circa horā 12. in nocte ejuſd diei, deū corā oculis non habens ſed ex malitia ſua precogit, vi et ar, viz. &c. domū R.P. apud C. in com pred. felon & burglarit, fregit, et intravit, et in pref. R.P. adtunc et ibid. nudū in lecto ſuo jacentē, inſultum et affraiam fecit, et eum cum uno baculo valoris 12.d. voc' a **Cudgell**, eund. R.P. ſup caput ſuum uſq; ad cerebr, adtunc & ibid. felon percuſſit, dans ei plagam mortal: de qua quidem plaga mortali idem R.P. adtūc & ibid. inſtant moriebat. Et ſic idē E.L. eund. R.P. adtūc et ibid. interfecit & murdravit cōtr pac' dict dom reg. Et ꝙ quendā Agnes P. nup de &c. **Spinſter** uxor pred, R.P. tertio die Iunii Anō &c. ad diverſ. diebus antea & poſtea eund. die et ante felon et murdrum pred. in form præd. apud W. præd. in C. præd. pref. E.L. ad felon et murdr ꝓd' fac' & ꝓpetrand' felon ꝓcur & abbet, contr pac' dict dom reg. Et etiam qd ead. A.P. ſciens pref. Ed. felon murdr & ꝓd' in form præd. feciſſe & petraſſe E.L. pred. 3. die Iun. Anō &c. apud W. præd. in C. pred. felon receptavit & confort, contr pac' dict dnæ reg.

An

An Indictment of Manslaughter.

IVrat̃ p̃sent̃, &c. p̲ dom̃ Reg. qd A.B. &c. 8. die I. vi et arm̃, viz. &c. in Iohañ P. apud B. præd̃ in pace Dei dñæ reg. exist' insultũ & affraiam fecit cum manu sua dextra p̃f. I.P. in capite suo feloñ adtunc & ibid̃ p̲cussit, dans ei plagam mortal̃, de qua quidem plaga pred̃ J.P. adtunc & ibid̃ incontinenter obiit. Et sic idem A.B. præf. I.B. adtunc & ibid̃ feloñ interfecit & murdravit, cont̃ pac' dict' dñæ reg. Sect. 230.

An Indictment for using more Arts then one, upon the statute of Anno 3. Ed. 3.

INquiratur pro domina Reg. quod cum in stat̃ in Parliamento dñi E. nup̲ regis Angl̃ 3. post conquestũ, añ reg. sui 3. tent̃, inter cætera ordinat̃ sit & statut̃, Quod artificiat̃ & gentes occupationem habentes, & quilibet eorum ad suam artem seu occupationem se teneat, & quod nullus exerceat aliam artem seu occupat̃ nisi tamen eã q̃ elegit: Et si aliquis in contrat̃ fecerit p̲ imprisonamt̃ corpor̃ sui p̲ spacium duorum añ puniatur et ulterius finẽ et redemptioñ dom̃ Reg. fac' ,put in eod̃ stat̃ plenius continet̃: Si A. B. de C. in com̃ N. Baker, alias dict' A.B. in com̃ N. præd̃ Milner, Stat̃ præd̃ minime ponderans nec pœnam in eod̃ stat̃ content̃ verens, à secundo die Iulii, añ reg. H. 8. &c. usq; quartum diẽ Apr̃ añ 23. dom̃ reg. suprad̃ tam artem molendinat̃ q̃ artem pistor̃ panis humani apud C. præd̃, continue exercebat in dñi reg. contemptum ac cont̃ form̃ stat̃ præd̃. Sect. 231.

An Indictment for regrating of Corne.

INquirat̃, &c. si R.L. nup̲ de T. in com̃ L. Yeoman, et H.D. nup̲ de N. in com̃ præd. Yeoman, 20, die Iu. añ &c. apud B. & T. in com̃ præd̃ emerunt et regrataverunt de T.S.R.R. et aliis ligeis dom̃ reg. 50. quar̃ frumenti precii 25. s̃ cent̃ quar̃ hordei precii 24. s̃ & al̃ frum̃t̃ et hord̃ in domib' mansioñ suis ut regratores mercati dict' dñi reg. accumulaver̃ & custodiver̃ ea intentione ut frum̃t̃, hord̃ et alia grana sub suis custod̃ ad suum libitum exponere et vendere potuerunt, ob qd grana in mercat̃ et villis com̃ præd̃ multipliciter cariora & rariora forent in grave damnum populi dom̃ reg. ac contra formam statuti in hm̃di casu edit̃ et provis. &c. Sect. 232.

An

An Indictment for a robberie done by the high way upon the person of one.

Sect. 233. IVratorꝝ pſenꝫ, &c. quòd I.B. de L. generꝫ 13. die &c. anñ &c. fuit in pace Dei et dicꝫ dñi Regis in reg. via apud paroch' ſancti E. in campis in coñ M. ibiꝺ ejuſdem die & anno venerunt I.M. de D. in comitatu M. Yeoman, & R. H. de eaꝺ in coñ ꝓꝺ Yeoman, laici hoꝫ & non infra ſacros ordines ſubdiacoñ nec ultra exiſteñ feloñ ut felones dicꝫ dñi regis in preꝺ I.B. inſultum fecerunt, et ipſum verberaverꝫ, vulneraverꝫ et maletractaverꝫ. Ita qꝺ de vita ejus deſperabatur ac viginꝫ ſoliꝺ in pecuñ numeratis de bonis et cataꝰ ipſius I.B. adtunc et ibiꝺ inveniꝫ & exiſteniꝫ feloñ cepeꝝ et aſporꝫ, contꝝ pac' dict' dñi reg' ac contꝝ formꝫ ſtatꝰ ejuſdem dñi reg. anno regni ſui 22. æditꝫ et ꝓviſ.

An Indictment for Burglarie in a dwelling houſe, for putting the houſhold in feare, and for the taking away of twenty pounds in money.

Sect. 234. INquiratꝫ, &c. ſi I.M. de D. in coñ M. Yeoman, laicus homo & non infra ſacros ordines Subdiaconũ nec ultra exiſteñ 12. die &c. Anñ &c. vi et armis, viz. gladiis, cultellis, et dagoriis domũ et manſoriũ R.V. apud I. in dic' coñ M. ſcituaꝫ et exiſteñ eoꝺ R.V. et A. uxoꝝ ejus et aliis ſervieñ ſuis in eaꝺ domo et manſorio adtunc et ibiꝺ exiſteñ feloñ fregit et intravit, ac in timore corpoꝝ poſuit et viginti libꝝ in pecuniis numeratis de bonis, cataꝰ et denariis ipſius R. V. adtunc et ibiꝺ inveniꝫ feloñ ceperit, ſpoliavit, et aſporꝫ cõtꝝ pac' dictꝫ doñ regis, ac coniꝫ formꝫ ſtatꝰ ejuſꝺ dñi reg' anñ regni ſui 23. æditi et ꝓviſi.

An Indictment for Murder ex ꝓpenſa malitia factꝫ.

Sect. 235. INquiratꝫ pro domino Rege, ſi I.D. in coñ preꝺ Yeoman, laicus homo &c. vi et armis, ac de ſua malitia ꝓcogitata in W. H. adtunc et ibiꝺ in pace Dei & dñi reg' nunc exiſteñ inſultũ fecitꝫ, & cum uno gladio precii 12. d. quem idem I. in manibus ſuis adtunc et ibiꝺ tenuit ꝓf. W.G. feloñ ꝓcuſſit, et dedit ei tunc et ibiꝺ ſup caput ſuũ uſq; cerebrũ unam plagam mortalem, de qua quidem plaga mortali idẽ W.H. adtũc & ibiꝺ inſtanter moriebatur: Et ſic idem I.D. pref. W.H. modo et forma præꝺ feloñ, interfecit et murdravit contꝝ pac' dictꝫ dñi reg. coroñ et dignitaꝰ ſuam, et contra formꝫ ſtatꝰ de anñ 23. regis H. 8. nuper æditꝫ & proviſ. &c.

An

An Indictment for robbing of a Church of divers and severall things in the same.

INquirat', &c. si I.M. nup de D. in com̃ M. et R. H. nup de ead' villa et com̃ præd' **Yeoman**, laici hom̃, et non infra sacros ordiñ subdiac' vel ultra existent' 13. die Maii, anno &c. vi et armis, viz. gladiis, bac' et cultellis Eccles. paroch' oĩum sanct' de E. apud E. in com̃ præd' circa hor̃ 12. in nocte ejusd' diei fec' fregeř et intraveř, et duas calices d' argent' deaurat', et duo vestiñt' de nigř velvet, voc' **Copes**, tres pãnos lineos voc' **Altar clothes**, unã tunic' fixã sup imag' beatæ Mar̃ infr' eãd' eccleſiã cũ diverſis annulis de auro et lapid' pretioſis in eiſdẽ annex' et affigat' ad valenc' xx. li. ac 20, s. in pecuñ numerat' de bonis ornamẽtis et deñ parochianñ de E. præd. in cuſtod' I.B. et T. B. cuſtod. et gardianñ, bonor' ornamentor' et denar' parochianñ parochiæ de E. præd', et tunc et ibid. exiſteñ extr' cuſtod' dictor' gardianñ extra eccleſ. præd. adtunc et ibid. feloñ furati ſunt ceper' et aſportaver' contra pac' dicti dñi regis, ac cont' formam ſtatuti ejuſd' dñi regis añ regni ſui 23. ædit' et ꝓviſ. Sect. 236.

An Indictment againſt one being a man of evill behaviour, for keeping of a blind Taverne, without a ſigne, and for receiving and lodging of lewd perſons, and that his wife is a common Scold.

INquiratur &c. ſi I.S. nup de C. in Com' **N. Labourer**, eſt homo malæ converſation' & gubernation', ac cõmunis barrat' & pacis dom' Reg. ꝓturbator. Et ꝙ idem I.S. apud C. p̃d' in com' p̃d' cuſtod', tenet, & occupat quand' domum, ſive Tabern', non habẽt uſuale ſign' aptè appoſit', vulgariter dict' **a blind Tauern**. Et qd primo die &c. Añ, &c. Necnõ diverſis dieb' & noctib' antea & poſtea, in eand' domũ diver' hoĩes malæ cõverſation', et ſuſpect', veniẽt omnib' horis, tam noct', quã diei, recepit & hoſpit' eſt, p ꝙ vicini ſui ac alii ligei populi dict' dom̃ reg. ibid' multipliciter vexant', inquietant', & gravant', & miniſtri dñi regis, ꝓpter pacis conſervationẽ, officia ſua ibid. exerceñ & exeq' ꝓhibent', & ſepenumř in periculo amiſſioñ vitæ et leſionis corpor̃ ſuor̃ quotidie ponũt, Et ꝙ I.S. uxor p̃d' I.S. eſt communis objurgatrix, tam cum vicinis q̃ cũ aliis ligeis dict' dñi Reg. p qd multipliciter moleſtant', inquietant', & gravant', contř pac' dicti dñi regis. Sect. 237.

An Indictment for ſelling Ale in veſſels called Kilderkins.

IVratores præſentant, quod I.R. de nova C. in Comit' A. pandoxator & A. I. de eadem C. prædict' **Beere ſeller**, fuit communes pandoxa- Sect. 238.

tores in C. prædᵗ & decimo die, &c. anno, &c. ac diversis vicibus antea & postea vendᵗ cervisiam, & cervisiã per diversa vasa voc' Kilderkins, tam magna quam parva contra formam statutorum indᵗ ædit ad grave damnum populi domini regis, &c.

An Indictment of a Priest for keeping of a Concubine.

Sect. 239. INquiratᵗ pro domino Rege, si H. R. nuper de K. in Comñ W. Clericus primo die Decembᵗ, anno regni Regis A. octavi 22. vi & armis, Deũ præ oculis suis non habens, nec legem Dei & dñi regis timens, et ordinem sacerdotalem nihil regardans, tanquã ribald' & luxuriosus & riotose sicut transgressor, malefactor, & pacis dñi regis perturbator irregularit & extra legis morẽ & honestã vite virtuosæ & sacerdotiz dignitatᵗ seipso utens apud K. pdᵗ in comitᵗ pdᵗ hospitium illicitum levavit & custodivit, occupavit, et quandã A.B. mulierẽ defamatᵗ et strosã publᵗ et notoᵗ custodivit, et habuit, & ipsam A.B. à prædᵗ primñ die Decemb', anno supradicto adtunc & ibidem continuandᵗ & adhuc quotidie & noctuatim manifeste & aperte custodivit, occupavit, et habet in communi stupro lenocinium in maximum periculosum exemplũ aliorum malefactorum contra pacem dicti domini Regis, &c.

An Indictment for not comming to the Church, upon the Statute of Anno 1. *Eliz.*

Sect. 240. IVratores pro domiñ reg' presentant, qd cum per Statᵗ in Parliamẽto domiñ El. Dei gratia, &c. anno regni sui primo tenᵗ apud W. in Comñ M. inᵗ alia inactitatᵗ et ordiñ existit, qꝑ post festũ S. Ioh. Bapt. annñ regñ dictæ dñæ reg' primo, omnis & omnimoᵗ personñ & personñ inhabitãt in hoc regno Angl vel alibi infra dominationñ dictæ dñæ regiñ diligent & credulenter habentes nullam legalem seu rationabilem excusationẽ abessendi niterentᵗ semetipsos adire ad suam parochiaᵗ Eccl vel capellã consuet vel super rationabil impediñtᵗ ad aliquem usitatᵗ locũ ubi cõmunes ꝓcationñ & divina servitia dici utentᵗ tẽpore talis impediñt sup quẽlibet diẽ dñicũ & aliis diebus ordinatᵗ & usitatᵗ observari durãt tẽpoꝛ coĩum ꝓcat ꝓdicationñ aut alioꝛ divinoꝛ servitiorum utendᵗ & ministrandᵗ sub pœñ punitionis ꝑ cẽsuras Eccleſiæ et etiam sub pœna qꝛ quælibet persona sic offendens forisfaciat ꝑ qualibet tali offens. 12. denaᵗ levandᵗ ꝑ gardianñ eccle. ꝓchiaᵗ ubi tale offensum foret fact ad usum pauperũ inhabitañ ejusdᵗ ꝓchiæ de bonis, teᵗ, et tenementis talis offendẽt, ꝑ put in Statuto pdᵗ continetᵗ: Cũq; T.R. et D in comñ prædᵗ aᵗ & A. uxor ejus existẽ de ꝓchia eccles. ꝓchialis de T. prædᵗ infr q quidem eccles. cõmunes precac' et alia divina servitia in Statut prædᵗ

præd. ſpecificat poſt. predꝯ feſtū Nativitat S. Iohañ Baptiſtæ an. primo ſupradict ſcz. dñica ꝓx' poſt feſtū S. Mich. Archangeli Anñ reg. &c. & 12. diebus dñicis tunc ꝓxim ſequen & octo aliis diebus feſtivalibus eaſd' dies dñicas interveniēt dicebant et utebant præd. T. & A. non habentes legalem & rationabilē excuſatioñ ſeu impedimenī abeſſend' ab eccleſia pred. in dieb' pred. tempoꝝ p̄d. cōmuniū p̄cation & divinoꝝ ſervicioꝝ ibid. tunc dict' habit & miniſtrat non ſolū nō nitebāt ſemetipſos adire ad eccleſiam exiſtenī eorum eccl' conſuet in præd. die dñica ꝓxim poſt feſtum S. Mich. Archangeli, ann. reg. &c. ſupradict & p̄d. aliis 12. dieb' dominicis tunc ꝓx' ſequen' et p̄d. aliis octo dieb' feſtivalibus eaſd. dies dominicas interveniēt tempoꝝ p̄d. communiū p̄cation. et divinoꝝ ſervic' ibid. in diebus illis dict habit et miniſtrat, ſed etiam odentes et contemnentes Euang' & ſalubre dei verbum, & dictā dom reg. et leges ſuas ſeipſos voluntarie abſentaveī & uterq; eorū voluntat ſeipſum abſentaverit ab eccleſia p̄d' die dominica, ꝓxim' poſt feſtum Sancti Michaelis Archangeli anno &c. ſupradict', & præd. aliis duodecim diebus dominicis tūc ꝓx' ſequent. & pred. aliis octo diebus feſtivalibus eaſd' duodecim dies dominicas interveniēt tempoꝝ p̄d' cōmunium p̄cationum & divinoꝝ ſervicioꝝ ibid. in diebus dict' habit & miniſtrat contra pac' & contempt dict dominæ regin' nunc & legum ſuarum, contra coron' et dignitat ſuas ac contra form' ſtatut pred. & in pernitioſum exemplum aliorum malefact.

An Indictment for perjurie, committed in an anſwer in the Exchequer at Cheſter.

IVratoꝝ preſent ꝓ domina Reg. ꝙcum I.D. de E. in com' C. geñ in Cur dom. regin' Scaccarii ſui Ceſtr corā R. comite Leic' camerar ſuo Ceſtriæ apud Ceſtr in com' C. poſt duodecimā diem, &c. Anno &c. exhibuiſſet quandam billam petitionis verſus quendam R. W. nuper de T. in com. pred. Miller, de et ſuper injuſt' recuperationem 36. s. debit ꝓ ipſum R. verſ. p̄d. I.D. exiſten. vad' et pleg' cujuſd. W. H. in Cur manēr ſive dominii de H. infra ducat Lanc' & 4. s. 8. d. cuſtag' circa eandem ſectam ibid. injuſte recuperat per dictum R. idem R. in reſponſione ſua in dicta Curia Scaccarii p̄d' ad petitionem p̄d' ſuꝑ ſacrament' ſuum capt' dixit, affirmavit, et juravit hæc verba Anglicana ſequen' vel in effectu ſimilia. **And for non paiment of the reſidue of the ſumme of 47. s. being as it ſhould ſeeme by the ſaid Ralfes own confeſſion in the ſame anſwer, of the receit of 36. s. this defendant long after commenced his action of debt againſt the now plaintife in the free Court of H.** ubi dictus W. H. diu ante perſolviſſet dict' R. ſummā 48. s. Ita quod nihil remanſit illo ſolvend': Et ſic præfat. R. in faciendo & confirmand' falſum

Sect. 241.

falſum reſponſum præd', in ea parte pred', die M. anno &c. volunt' & corrupt' commiſit voluntar' ꝑjurium in illo content' & contr' form' ſtatuti inde ædit' et ꝓviſ. &c. contra pacem, &c.

An Indictment for fiſhing in a mill pond waters, with hookes and other engines.

Sect. 242. INquir' ꝓ dña reg. ſi T. W. de M. in com' præd' **Laborer**, & H. I. de W. in com' præd' **Tailor**, &c. 14. die April', ann' &c. ac diverſ. tẽpor' ante p̃d' die et poſtea apud H. p̃d' in com' præd' vi et arm' in uno ſtagno ibid' voc' **Ye Milnepoole** libr' tenr' R. D. gen' cum hamis et aliis engin' piſc' et diverſos piſc' cepер' ad grave damn' pred' R. D. ac contra pac' &c.

An Indictment where one is indicted as principall actor, and one other for being preſent, and for abetting, procuring, and comforting of the murderer to do the ſame.

Sect. 243. INquir' ꝓ dña reg. ſi I. G. alias G. nuper de &c. xv. die &c. apud H. in com' præd' vi et armis, viz. baculis, &c. felon' ut felo dict' dñæ reg. ac ex malit' ſua p̃cogit' in quend' I. O. alias D. apud H. pred' adtunc et ibid' in pac' dei et dict' dñæ reg. exiſt' inſult' feceр'. Et præd' I. G. alias G. ꝙ falcaſtr' angl' **a foreſt bill**, precii 4. d. ꝙ id' I. G. in man' ſuis tunc & ibid' tenebat dict' I. O. alias D. apud H. pred' ex malitia ſua precogit' ſuper ſiniſtr' parte capitis ſui ꝓcuſſit uſq; ad cerebr' dãs eid' I. O. alias D. unam plag' mortal', de qua quid' plaga mort' p̃d' I. O. à p̃d' xv. die Martii ann' ſupraď uſq; ad xxi. die ejuſd' Martii, an' p̃d' languid' jacebat, quo quid' xxi. die Mar' p̃d' I. O. alius D. apud H. p̃d' obiit. Et ſic pred' I. G. alias G. die & an' pred' apud H. pred' ex malit' ſua precog' felon' int'fec' et murd' cõtr' pac' dict' dñæ reg coron' & dignit' ſuas. Et ꝙ pred' W. G. alias G. die et an' p̃d' apud H. felon' p̃d. fuit preſens et ut felo dict' dñæ reg. abett' ꝓcur' et cõfort' et cum p̃f. I. G. alias G. die et an' p̃d. in form' p̃d. fact' vi et arm' ac cõtr' pac' dict' dñæ reg. coron' et dignit' ſuas &c.

An Indictment of murder.

Sect. 244. INquir' ꝓ dña reg. ſi T. H. nuper de E. in com' Cheſtr' **Laborer**, viceſimo die &c. circa horã ſext' poſt meridiem ejuſd' diei apud T. pred. in com'. C. pred', ut felo dict' dñæ reg. ex malitia ſua precogit' et de inſult' præmedit' vi et armis quend' R. B. nuper de T. pred. in com' præd. **Yeoman**, adtũc et ibid. in pace dei et dict' dom' reg. exiſt' inſult' fec' et cum quod' baculo, angl' voc' **a piked ſtaffe**, precii 4. d. ꝙ ipſe in manibus ſuis adtunc et ibid. tenuit pred. R. B. ſup caput ſuũ felon' ꝓcuſſit dãs ei adtunc et ibid. unã plag' mortal' longitud' duor' polliciũ in ſiniſtra parte captis ſui uſq, ad cerebr', de qua quid' plaga mortal' præf. R. A. languid' jacebat uſq; ad &c. extunc ꝓxim' ſequen': Quo quidem 29. die Jan. an' &c. idem R. B. apud T. pred. in com' pred. ex ipſa plaga ei dat' modo

et

& forma p̄d moriebat̄,& sic idē T. H. ut felo dict̄ dom' pred. R. B. fel̄ interfecit & murdr' cōt̄ pac' dict̄ dom. reg. cor' & dignit̄ suas.

An Indictment of Burglarie by a woman in the night time, putting the houshold in feare, intending to have robbed them.

INquirat̄ ,p dom. reg', si O. I. de G. in com. C. **Spinster**, sept̄ die Apr' anñ &c. apud C. præd' in com. p̄d̄ noct̄. viz. circa hor' undec' post merid' ejusd' die dom. cujusd. I. B. apud C. p̄d. vi et ar', &c. felon' ac burglar' fregit et intravit, ea intentiōn ad furād. bona et catal' ipsius I. ac eund. I. in pac. Dei et dict̄ dñæ reg. adtūc et ib. in lecto suo exist̄ fel̄ & burgl' in timor' vit̄ suæ posuit cont̄ dict. dom. reg. cor' & digñ suas. Sect. 245.

An indictment for trespasse done in a corne field.

IVratores presentant, &c. q̄ VV. C. nuper de T. in com. p̄d̄ **labozer**, T. P. &c. tertio die &c. anno, &c. vi et armis clausū I. N. apud S. in com. p̄d̄ in quod̄ cāpo voc' S. **fielo** freger. & intraver', et tres quartios frumenti ipsius I. VV. ad valenc' trium librar' adtūc et ibid. crescen̄ cum quibusd̄ bigis sive carucis equis et pedibus suis ambuland' cōculcaver' & consumpser'. Et alia enormia ei intuler. contra pacem, &c. Sect. 246.

An Indictment of manslaughter before the Coroner of the Verge, for the death of a man, upon the view of the dead body.

INquisitio capt̄ apud W. L. in com̄ Surrey infra virgam 22. die Maii, Anno &c. corā T. W. gen̄ Coronator̄ hospitii dict̄ dominæ Reginæ sup visum corporis I. B. nuper de W. L. in com̄ Surrey **Yeoman**, ib. jacen̄ mortui & interfecti per sacram̄ &c. Qui dicunt super sacram̄ suum q̄ ita accidit q̄ 19. die Maii, añ &c. apud Southwarke in comit̄ Surrey infra virgā p̄d̄ I. B. veniebat in quendā campum ibid voc' S. Georges **fielo** circa horas 4. vel 5. post meridiem ejusdem diei, & q̄ postea dict̄ decimo nono die Maii, anñ &c. apud S. præd̄ in comitatu Surrey præd̄ infra virgā inter horas 5. & 6. post meridiem ejusd̄ dec' nono die Maii R. L. nuper de West. in com̄ Mid̄ alias dict̄ R. L. de W. in Com̄ Midd̄ **Yeoman**, veniebat et intrabat in campū p̄d̄ voc' &c. et ibid̄ videns et percipiens dict̄ I. B. tunc esse in campo illo ambulabat in cāpo illo versus locū ubi præd̄ I. B. tunc ibidem fuit: Et præd̄ I. B. tunc & ibidē jacens super terrā ac videns et precipiens dictum R. L. versus eum venien̄ à terra præd̄ ibid̄ surgit ac idem J. B. tūc et ibidē duos gladios voc' **Rapiers** in manus suas, viz. in quamlibet manum unum gladium. Et tunc et ibidem R. L. cepit unum gladium de ferro et chalibi ad valenc' quinque solid̄ ipsius R. L. in manum suam dextram, et unum scutum in Sect. 247.

manum ſuam ſiniſtrã, adtũc & ibidem idem A. & R. inſimul pugnaver̃ cum gladiis ſuis præd', & ſic pugnans idẽ I. ipſũ R. tunc & ibid̃ ſuper ſiniſtr̃ tibiã dict̃ R. cũ uno gladioꝝ ſuoꝝ præd' voc' Rapiers, percuſſit & vulner̃, virtute cujus præd' R. ad terrã ibid̃ cecidit. Ac poſtea dictus R. 19. die Maii an' præd' apud S. præd' in com̃ præd' infra virgã præd' ſubito ſurrexit & idẽ R. tunc & ibid̃ cepit glad' ſuũ præd' in manum ſuam dextr̃ ac vi & armis, viz. cũ gladio ſuo præd. quẽ ipſe R. in manum ſuam dextr̃ tũc & ibid̃ tenuit 19. die Maii, anno, &c. apud S. in com̃ S. præd' infr̃ virgã in p̃d' cãpo voc', &c. int̃ præd' horas 5. & 6. poſt meridiẽ ejuſdẽ 19. die Maii, idẽ R. in ipſum I. B. tunc & ibid̃ exiſteñ inſultũ fecit & tunc & ibid̃ cũ gladio illo quem ipſe idem R. tunc & ibidem in manu ſua dextra tenuit ipſum I. verberavit, ac gladium illum præd' R. tũc & ibid̃ felonice & voluntar̃ in corpus dicti I. percuſſit & impoſuit dãs eidẽ I. B. felonice & voluntarie cum gladio illo in ventre ſuo in & p corpus & dorſum dict' I. unã plag' mortalẽ profunditat̃ 14. polliciũ & latitudinis duoꝝ p̃polliciũ, de qua quidem plaga mortali idem I. apud W. L. in com̃ S. infr' virgã poſtea languebat à dicto 19. die Maii, anno &c. uſque 20. diẽ dicti menſis Maii tunc proxim̃ ſequeñ. Quo quidem 20. die Maii idem I. B. apud W. præd' in com̃ S. præd' infr̃ virgã int̃ horas 3. & 4. ante meridiem ejuſdem viceſimi diei dicti menſis Maii añ &c. ex plaga mortali præd' obiit. Et ſic Jurat̃ pred' dicunt ſuper ſacr̃ ſuum, Quod dict' R. L. alias dict' &c. dicto 19. die Maii añ &c. apud S. præd' in com̃ præd' infra virgam vi & armis, viz. cum gladio præd' quẽ idem R. L. alias dict. R. L. in manu ſua dextra tunc & ibid̃ tenuit ipſum I. B. felonice & voluntarie percuſſit, interfecit & murdravit modo & forma p̃d' contra pacẽ dictæ dom̃ reginã, Coroñ, & dignitat̃ ſuas: Et ſic id̃ jurat̃ ſuper ſacr' ſuũ dicunt, & præd' I. B. modo & forma præd' ad mort̃ ſuã deven̄, & non aliter nec alio modo. Et q̃ bona cat̃ r̃ & teñ idẽ R. tẽpore feloniæ & murdri præd' fact' habuit vel adhuc habet, idẽ jur' peñ ignorant.

An Indictment where a felon ſuſpected for ſtealing two oxen is committed by a Juſtice of peace unto the gaole, and is delivered to two to bee conveyed to the gaole, which ſuffer the felon wilfully to eſcape away.

Sect. 248. INquirat̃ &c. Qd cum quidem W. H. ar̃ unus Juſtic' pacis dicti Dom̃ reg' in com̃ præd' 20. die &c. circa horã 10. in nocte ejuſdẽ diei apud S. in com̃ p̃d', virtute officii ſui & literar' patent̃ dicti dom̃ reg' eid' W. direct', quendã I. nuper de, &c. adtunc & ibidem arreſtavit et attachiavit pro ſuſpicione feloniæ per ipm I. ante fact̃ & perpetr', viz. pro duobus bob' coloris &c. precii &c. de bonis & catall̃ cujuſd̃ R. I. per præd' I. felonice capt̃ & abduct'. Et poſtea eundẽ I. die, añ, hor̃, & loco

loco ſupradict' ut præd' eſt arreſtat' præd' W. H. adtunc & ibid' commiſit & liberavit ſalvo cuſtodiend' quibuſd' I. B. & R.D. nuper de &c. in com. &c.& ſpecialiter requiſit' fuerint ex parte dicti dom' Regis p̄ p̄f. W. H. ad ſalvo & ſecur' cuſtod' & conducend' ipſum I. B. uſq; gaol' ipſius dñi Regis com. p̄d' ibid' morat' quouſq; per debitam legis formā exonerat' & deliberat', præd' tamen I.& R. machinant' præd' I. in felon' p̄ ipſum fact' favorabiliter ipſum I. à cuſtod' ſua præd. qui ſic detinebat' adtunc & ibid' felon' & voluntarie ad largum ſuū quo voluit felon' abire & evadere permiſer' contra pac' &c.

An Indictment where one is committed to priſon to a Serjeant at Mace by the Baylifes of a Towne, for reſiſtance, diſobeying, and diſturbing them for doing of their office, eſcapeth out of priſon, and goeth away out of the ſame.

INquir' &c. Quod cum quidam D. E. de &c. die Martii, viz. quinto die &c. apud P. in com' præd' cōmiſſus fuit per R. I. geñ unum ballivor' villæ de P. præd',& H. L. gen' aſ ballivor' ejuſd' villæ in gaola ſive priſon' villæ præd' p̄ quibuſd' reſiſtenc', diſobedienc' & malefact' p̄ ipſum D. E. verſus ipſum R. ballivū in executiōn officii ſui virtute literar' dñi regis eid' R. direct', ibid' moratur' ſub ſalva cuſtod' M. unius ſervient' ad clavē ad villā præd' quouſq; præd' D. inde deliberat' et dimiſſus eſſet p̄ debitam legis form': ſi p̄f. D. circa horā 12. in nocte ejuſd' diei anno ſupradict' regin' Regis præd' priſon' in qua detent' fuit ejuſd' diei anno ſupradict' reg. regis præd' priſon' in qua detent' fuit ut præd' eſt adtunc & ibid' malitioſe & min° juſte fregit & ab hm̄i priſon' ſine aliqua licencia evaſerit & eſcapuit contra form' ſtatuti dict' dñi regis ædit' & p̄viſ. et contra pac' dict' dominæ reginæ &c. Sect. 249.

An Indictment of forcible entrie into a meſſuage, with the appurtenances, upon the Statute of 8. H. 6. againſt divers perſons wherein the Satute is not recited.

INquir' &c. Si A. B. et C. D. nuper de &c. aſſumptis et aſſociat' eis aliis malefactoribus et pacis dñi reg. p̄turbator' modo guerrin' arraiat' ad numerum 12. perſonar' quorū nomin' p̄ſens Jurat' ignoratur decimo die &c. apud D. &c. vi et armis, viz. baculis, gladiis, cultellis, falcaſtris lapid' et aliis armis defenſivis et invaſivis in unum meſſuag' cum p̄tin' ſuper pacificam poſſeſſion' T. P. intravit et dict' P. à poſſeſſione ſua p̄d' expulerunt et diſſeiſiverunt et eundem T. ſic expulſum et diſſeiſitum à præd' meſſuagio cum pertinen' vi et armis præd. ac manuforti extratenuer' et adhuc extratenent contra pac' dicti dñi reg. ac contr' formam ſtatuti domini Hen. nuper Reg. Angliæ 6. Anno regni ſui 8. inde ædit' & proviſ. Sect. 250.

An Indictment upon the ſtatute of Ann. 5. Eliz. againſt ſuch as uſe any myſtery or occupation, not being an apprentice to the ſame for 7. yeares.

Sect. 251. IVratores preſentant ꝑ domina Regina, ꝙ cum in Parliamenꝫ dom̃ reginæ nunc tenꝫ apud Weſtm̃ 8. die Maii, Añ regni ſui 5. inter alia ſtabilitaꝫ fuit, qd poſt primũ diẽ Maii tunc proxime ſequenꝫ non liceat alicui perſonæ ſive perſonis erigere, occupare, uti vel exercere aliquã artem myſteꝝ ſive occupatiõ adtunc uſitaꝫ vel occupaꝫ infra Reg. Angl vel Walliæ ſi non educaꝫ in eadem tanquam apprentic' ꝑ ſpaciũ ſeptem annoꝝ ad minus, nec alicui perſonæ opꝰ tradere in hm̃di myſterio, arte, ſive occupatione, ſi non eaꝺ perſona fuit apprentic' aut tunc fuit exercit in myſterio præꝺ tanquam apprentic' ut præd, ſub pœna qd quælibet perſona voluntarie offendens vel contrarium faciens forisfaciat pro qualibet tali defalta 40. s. pro quolibet menſe prout in ſtatuꝫ præꝺ plenius liquet & apparet: quidam tamen I. S. ſtatuꝫ præꝺ ac pœnam in eodem content. minime verens ſive ponderans non exiſt. apprentic' primo die Iulii, Anno quinto ſupradicto dñæ Regiñ noſtræ nunc contiñ uſq; diem captionis hujus inquiſitionis ſcz. ꝑ quatuor mẽſes apud A. in com̃ M. præꝺ occupavit vel exercivit artem, myſterium, ſive occupationem in dict. dñæ Reg. nunc contemptum ac cont. formi ſtatuti prædict'.

An Indictment for a riotous and unlawfull aſſembly, putting men in feare, and doing of Treſpaſſe, and plowing in a cloſe.

Seſſiõ Pacis generalis dominiñ Regiñ tent. apud Midꝺ in Comit. præꝺ die Martis, viz. quarto die &c. Anñ &c. coram H. C. milit. G. C. &c. aꝫ Iuſtic. Pacis in Com̃ præꝺ.

Sect. 252. INquiſic' capt. ibiꝺ ꝑ Sacram. T. O. B. D. &c. Iurat'. Qui ſuper Sacram. ſuum inter alia preſent. ꝙ A. B. nuꝑ de H. in com. C. ꝑ yeoman, E. D. &c. 22. die &c. Anno &c. vi et armis apud N in com. ꝑꝺ rioteſe ſeipſos aſſemblantes et aſſociantes adtunc et ibidem rioteſe quoddam clauſum vocat. &c. cujuſdam R. C. armig. fregeꝝ et intraver. ac ſerviẽs, et teñtes ipſius R. C. adtunc et ibiꝺ in clauſo in opere faciendꝫ ipſius R. C. exiſteñ minaciter minat. et timerent. ac herbã ipſius R. C. adtunc et ibid. creſceñ cum quibuſdã averiis non ſolũ depaſt. fuer. conculcaverunt et conſumpſerunt, ſed etiam præd. clauſum cum bobus et aratro arraverunt et ſubverterunt et alia enormia ꝑf. R. C. fecerunt in dict. dñæ regiñ contempt. manifeſtum et ipſius R. C. damñ non modicum et gravamen, ac contr̃ pac. dict. dñæ reginæ.

An

An Indictment of a Priest for saying of Masse in the Vestry of a Church.

INquir̃ p̃ domina Regina, si G.O. nuper vicari⁹ de W. in p̃tibus de L. in com̃ præd̃ Clericus 16. die Martii mane in aurora ejusd̃ diei an̄ regni Eliz. &c. sexto apud W. præd̃, in quodam loco voc' **the vestrie house**, juxta eccles̃iã Parochialẽ de W. præd̃ volunt̃ usus fuit privatim alio ritu, ceremonia, et forma celebrationis Cœn̄ dn̄æ voc' **the Lords supper**, quam in quodã intitulat̃ lib̃ communis precationis et administratioñ Sacramentor̃ & aliorũ rituum et ceremoniar̃ Eccles̃iæ Anglican̄, auctorizat̃ p̃ actus Parliament̃ tent̃ in annis 5 & 6. dn̄i Reg. Edw. sexti nuper Regis Angliæ declar̃ & mentionat̃ exist̃it, viz. dicend̃ & celebrand̃ unam privatam Miss̃am, contra formam statuti. Sect. 253.

An Indictment for moving the duke of Somerset and other subjects to rebellion against the King, and to take and imprison the Duke of Northumberland, the Marquesse of North. and the Earle of Pembroke being of the K. Privy Councell.

INquir̃ &c. Qd. T. A. nup̃ de L. Miles Deum præ oculis non habens sed instigatione diabolica seduct̃ anno regni Edw. 6. &c. 5. & diversis diebus et vicibus antea et postea apud Sion in com̃ Middl̃ et apud diversa alia loca in dict' com̃ Middl̃ felon̄ fact̃ dict̃ domini regis p̃ aperta verba p̃curavit movit et instigavit Ed. Ducẽ Somerset, ac quamplures alios subditos dict̃ dn̄i regis ad insurgendũ et ad apertam rebellioñ et insurrectionẽ infra hoc reg' Angl̃ movend̃ contra ipsum domiñ reg. & adtunc et ibid̃ felonice capiend' et imprisonand' prenobilẽ Iohañ ducem Northumb' tunc com̃ Warr̃, Will̃ Marchionẽ Northamp̃, & Will̃ comitẽ Pembroke adtunc Willhelm̃ Harbert, ip̃sisque Duce Northumb. Marchioñ et Comit̃ Pembr̃ de privat̃ Consiliis dicti dn̄i regis adtunc existeñ contra dicti dn̄i regis Coroñ et dignitat̃ suas & cõtra form̃ statuti in hujus. casu edit̃ et provis. Sect. 254.

An Indictment of Extortion against an Escheator.

INquir̃ p̃ domina regiñ, si R. G. nuper de O. in com̃ Warr̃ die et an̄, &c. colore officii Escheatoris in com' Leic' exegit et extortione cepit apud H. in dict̃ com' L. de Griffino R. novem modios tritic' ad valenc' 23. s. 4. d. de bonis et catallis dict̃ Griff. ad pernitiosum exemplũ alior' malefact̃ ad grave damnum ipsius G. et cõtr' form' diversor' statut̃, &c. et contra pacem &c. Sect. 255.

An Indictment against one for publishing, that the Queene had two or three children by the Lord R. D.

IVr' &c. quod I. nuper de W. in com' pred' **Labozer**, Deum præ oculis non habens sed instigatione diabolica seduct̃ quinto die &c. Anno &c. Sect. 256.

&c. apud N. narravit & publicavir de dicta dña regina nunc hæc falsa seditiosa & scandalosa verba Anglicana sequen', viz. That the Quene hath had by the Lord innuēd R. D. ꝓnobilis ordinis garterii Milit̄ dominū D. two or three children, contra ligeanc' & debit' sua, in magnum scandalum & contempt̄ dict̄ dñæ reginæ nunc coron̄ & dignitat̄ suas, & contra formam statuti &c.

An Indictment of one as a common Barretor, a ſtirrer up of ſtrife and contention, and a troubler of peace.

Sect. 257. INquir' ꝓ domina Regina, Si I.B. nuper de S. in com' &c. Yeoman, 25. die Maii Anno &c. apud S. præd̄ necnon diversis diebus & temporibus tam antea quam postea fuit communis barrectat̄ & pacis perturbator ac diversas lites cōtumelias & discord̄ in diversos dict̄ dñæ regiñ subdit̄ adtunc & ibid̄ & alibi in com. præd̄ injuste movebat, ꝓcurabat, & excitabat, in dict' dñæ regiñ nunc contempt̄ & ad grave dinum populi dict̄ dñæ reginæ, necnon contra form̄ diverſ. statuſ, &c. ac contra pacem, &c.

An Indictment for clipping and filing of gold and ſilver and uttering of the ſame.

Sect. 258. INquiſ̄ &c. Si E. D. de civit' Covent̄ Pedler, die & ann̄ &c. ac diverſis diebus ant̄ & poſtea Civit̄ præd̄ 30. pec' auri voc' royals, ac 300. pecias argent̄ voc' groats, bon̄ & legal̄ monetæ Angl̄ & cunagii dict' dñæ regin' ꝓ lucri cauſa falſo, felon̄ & ꝓditorie totondit & filavit: Ita ꝙ per tonſionem & filationem illas quelibet pecia auri inde de xii. d. in ſuo debit̄ pondere diminuebatur. Ac quelibet pecia argenti voc' groats, inde uno obolo in debito ſuo pondere diminuebatur, & monetam illā in form̄ præd̄ tonſam & filat' diverſis ligeis dict̄ dñæ regin' apud civitat̄ præd̄ in com' præd' falſo, felon̄ & ꝓditor̄ expoſuit & utteravit contr' form̄ ſtatuti &c. ac contra pac' &c.

An Indictment for encloſing of 20. acres of paſture out of a common field, in the which all the inhabitants of L. have uſed time out of mind to have common of paſture for all manner of cattell.

Sect. 259. IUratores preſentant &c. Quod Ed. C. nuper de L. in comitatu præd̄ generoſ. G. C. nuper de L. &c. decimo die &c. Anno &c. necnon diverſis diebus & vicibus tam antea quam poſtea, vi & armis, &c. xx. ac̄ paſturæ cum pertinentiis in L. prædict̄ in aperto communi campo ibid̄, in quibus omnes inhabitantes villæ prædict' à tempore cujus contrar' memoria hominum non exiſtit, uſi fuerunt & conſueverunt habere communiam paſturæ pro omnibus animalibus ſuis omni tem-

pore

pore anni imperpetuũ, cũ ſepibus et foſſatis incluſiver, et eaſdẽ vingiñ acr̃ ſic incluſas à prædo 10. die Apr̃ annĩ ſupr̃ uſq; diẽ capt̃ hujus inquiſ. cuſtod' et adhuc cuſtod' in malũ & pernic' exemplũ alior̃ ligeorũ dict̃ dom̃ Reg', et cont̃ form̃ diverſ. Stat̃, &c. Ac contra pacẽ &c.

An Indictment of wilfull murder of a woman.

INquirat̃ &c. ſi T.L. nuper de W. in com̃ &c. Laborer, Deũ præ oculis ſuis non habens, ſed inſtigatione diabol̃ ſeducẽ 30. die Apr̃ añ Regni El. &c. circa horã nonã ejuſdẽ diei vi et armĩ apud W. præd' ex malitia ſua præcog' in quandã Marg' T. adtunc et ibidem in pace Dei et dict̃ dom̃ reg' exiſtẽ inſultum fecit et ipſam Mar. cum quodã baculo ad valenc', &c. quem idem Th. in manibus ſuis adtunc et ibidem tenuit, verberavit, & vulneravit, et maletractavit. Ita q; pred' M. à præd' 30. die Apr̃ añ ſuprad' uſque ad quintum diem Maii tunc ꝓxim̃ ſequent̃ languebat, quo quidẽ quinto die Maii, añ ſuprad' præd M. apud W. præd' de verberatione, vulneratione, et maletractatione præd' adtunc et ib' obiit. Et ſic præd' Th. præd' M. modo et forma præd', ſcz. apud W. p̃d' die et anno præd' feloñ et voluntar̃ interfecit et murdravit contra pacem, &c. Sect. 260.

An Indictment of murder, And the murtherers flying after the ſaid murder committed.

INquiratur pro dom̃' Reg. ſi T. B. Barbour nuper de C. in com̃ &c. die et anno, &c. vi et armĩ, &c. ex malitia ſua præcog' apud D. in com̃ præd. in quendam W. W. adtunc et ibidem in pace Dei et dict' dom̃ Reg. exiſtẽ inſultũ fecit et ipſum VV. adtunc et ibidem exiſtent̃ verberavit, vulneravit, et maletractavit, ac ipſum VV. cum quodam baculo ad valenc', &c. quem idem T. B. adtunc et ibidem in manu ſua dextra tenebat pref. VV. ſupra ſiniſtrã partẽ tibiæ ſuæ felonice percuſſit, dans ei plagam mortalem: Ob quã quidẽ plagã mort̃ præfat̃ VV. à præd' viceſimo die, &c. anno &c. uſq; ad octavũ diẽ Iulii tunc ꝓxim̃ ſequent̃ languebat, et de eadẽ plaga mortali præd' VV. &c. apud &c. præd' viceſ. die Iul. añ ſupr̃ moriebat̃. Et ſic præd' Th. B. præd' VV. præd' 8. die Iulii añ ſupr̃ apud B. præd' fel̃ murdravit et interfecit, cont̃ pac' dict̃ dom̃ Reg. &c. Et poſt feloniã et murdr̃ ſic per præf. Th. B. ibi fact', prædict̃ Tho. B. ob eandem feloniam & murdrum præd' immediate fugiebat cont̃ pac'. &c. Sect. 261.

An

An Indictment of Riot, the rioters weaponed with divers weapons, and armed with privy coats for breaking and entring into a house, taking and spoyling of goods, beating and wounding of divers in the house, breaking af a cheſt, and taking out of it ſix ſilver ſpoones, and taking, ſpoyling, and carrying away of oates out of a Barne.

Sect. 262. INquiratur, &c. ſi I.S. decimo die, &c. anñ &c. vi et armis, viz. baculis, gladiis, & cultr necñ tunicis privatis et modo guerrino arraiat apud W. in coñ præd domum cujuſd Chriſtopheri B. apud W. præd in coñ præd rioroſe et manuforti fregerunt & intraverunt, et in T.B. F.B. &c. adtūc et ib' invenr in pace Dei et dictæ doñ reg' exiſteñ inſultum fecerunt et affraiā ibid rioroſe fecerunt et ipſos T.F. &c. adtunc et ibid in pace Dei et dictæ dñæ Reginæ invenr exiſteñ verberaver, vulneraver et maletractaver. Ita q ipſi de vita ipſorum deſperabantur, ac bona et catalla pred C.B. ad val' 30. l. in domo ſua præd adtunc invēt rioroſe cepēr et ſpoliaverunt et aſportaver, ac Ciſtas ipſi° C. in doñ ſua præd tunc exiſteñ rioroſe fregerūt, et ſex cocleār argenr ad valenc' xl. s. de bonis et catallis ipſius Chriſt. adtunc et ibid invenr rioroſe cepēr et aſporr. Ac avenas ipſius C. tunc et ibid in horreo ſuo invenr rioroſe cepēr & ſpoliaver et aſporr, Ac alia enormia ei intuler in perniciosum exemp' ligeor et ſubdit dictæ doñ reg. ac conr forñ diverſ. ſtat &c. ac conr pacē, &c.

An Indictment for the counterfeiting of the Queenes Letters Pat. to beg, and taking the Queenes broad Seale from other letters patents, and putting it to the counterfeit letters patents.

Sect. 263. INquirār p domina regina, ſi I.D. nup de M. coñ &c. Deū p oculis ſuis non habēs, ſed inſtigac' diabolica ſeducr die, &c. apud, &c. deceptive falſo et pditorie quaſd falſas lras patenr ſcripr de collect devotioñ et charitār populor ipſius doñ Reg. hunc tenorem contin, viz. **Elizabeth by the grace of God, &c.** Ac cum idē I. dict' falſas literas pat ſic ut premittitur contrafeciſſet, idē I. pred die, &c. Anñ &c. apud M. pd in coñ pd quoddam magnū ſigillū dictæ doñ adtunc pantea annex' & legitim appoſit irripuit et accepit, & illud ſigillum dictis falſis counterfactis literis deceptive, falſo et proditorie appoſuit et annex' & eaſd literas ſigillo illo ſubtil' recluſd ſigillavit. Et ſi magnum ſigil' ib' et adtunc voluntarie et proditorie, contrafecit, falſificavit et fabricavit. Et idem I. poſtea ſcz. die. anno &c. apud M. in comitār præd ac diverſis aliis locis ejuſdē coñ diverſas denariorum ſummas diverſorum ligeorum dictæ dñæ Reginæ, virtute, et colore literarum pred modo & forma predict contrafact et ſigillār deceptive, falſo, & proditorie col-

ligebat

ligebat habuit et recepit et ad usum ſuum ꝓpriũ convertit in malũ & pnitioſũ exemplũ ligeor̃ ejuſd' dom̃ Reg. ac cont̃ form̃ diverſor̃ ſtatut̃ in hm̃di caſu edit̃ et proviſ. et contra pac' dict̃ dominæ Reginæ &c.

An Indictment for the ſtealing of two geldings.

INquiſ̃ &c. ſi G.W. nuper de W. in com̃ S. et R.B. nuper de W. præd. in com̃ p̃d' **Laboꝛer**, ultimo die, &c. Anno &c. vi et armis &c. apud N. in dicto com̃ S. unum ſpadonem coloris **gray**, p̃cii &c. Ac alium ſpadonem coloris &c. p̃cii, &c. de bonis et catallis cujuſd' ignoti adtunc & ibid. invent̃ feloñ furat̃ fuer̃, cep̃, et abduxer̃ contra pac', &c. Sect. 264.

An Indictment for robbing of a Gentleman by the high way.

IUr̃, &c. Quod ubi I.B. de L. geñ xiii. die &c. Anno &c. fuit in pace dei & dictæ dn̄æ Reg. in regia via apud paroch. S. Egidii in campis in com̃ Midd': ibi eodem die, & anno venerunt I.M. et R.H. nuper̃ de, &c. feloñ ut felones dict' domiñ reg. et in p̃d' I.B. inſultum feceꝛ̃ et ipſum verberaveꝛ̃, vulneraveꝛ̃, et maletractaveꝛ̃. Ita q̃ de vita ejus deſperabat̃ et xx.s. in pecuniis numerat̃ de bonis et catal̃ ipſi⁹ I.B. ſup ipſum I.B. adtũc et ibid. invent̃ et exiſteñ feloñ cepeꝛ̃ et aſporꝛ̃, cont̃ pac' &c. ac cont̃ form̃ ſtatut' in anno dn̄i H.8.23. edit' et proviſ. Sect. 265.

An Indictment for cutting of a purſe, and xx.s. in it.

INquiſ̃ &c. Si T.C. de &c. **Labourer**, die &c. vi et arm̃ &c. apud C. in com̃ &c. 20.s. in pecun' numeꝛ̃ in quad. crumen' exiſten' de bon' et catal̃ cujuſd. T.D. adtunc et ibid. invent' à perſona p̃f. T.D. cum quodam cultel̃ ad valenc' &c. quem idem T.C. in man̄ ſua dext. adtunc & ibidem habuit et tenuit felon' ſcidit' furat' fuit cepit et aſport', cõtra pacem &c. Sect. 266.

An Indictment for taking away of a woman ſervant.

INquiratur &c. Si W.K. de S. &c. die An. &c. loco &c. vi et arm̃, viz. gladiis et daggeꝛ̃ quand. Iſab. K. ſervientem R.Q. de F. in comit' p̃d. **Spinſter**, in ſervic. dict. Richardi exiſten' et retent. apud F. p̃d. cepit et abduxit die et ann. ſuprad', contra pacem dicti dom̃ regis nunc. Sect. 267.

An Indictment for breaking and entring into a houſe, and burning of it.

INquiratur &c. Si D.S. de K. in comit̃ p̃dict̃ **Laboꝛer**, tali die et anno &c. vi et armis &c. domum W.C. fregit et intravit, et ex malit̃ ſua pre- Sect. 268.

præcogitat, adtunc et ibidem existen dictam domum felonice cõbussit contra pacem &c.

An Indictment for procuring a servant to depart from his master, and for being a common procurer of servants away from their services.

Sect. 269. INquir &c. si W.M. de N. in com E. Yeoman, die, anno, et loco &c. procuravit et exhortavit I. C. servient R. S. in servitio suo ibid exist' abire ab eodem servitio, cujus quidem procurationis pretextu idem I.C. à servitio R.S. tunc et ibid recessit: Et quod idem W. M. est communis procurator servient diversor ligeor domini regis, Ita quod ligei dom regis de ejusmod servient ad negotia sua perimplend multiplic' gravat existunt, in dict' dñi regis contempt et quamplurimum ligeor dñi regis deteriorationem manifestam.

An Indictment for keeping of Hounds and Hunting, having not lands of the value of xl.s.

Sect. 270. INquir &c. si I.W.T.P. de &c. non habent ter neq; tenement ad valenc' 40.s. ultra repris. tenent canes venaticos et leporarios et eisdem usi sunt venari in diversis partibus juxta C. viz. apud D. H. et alibi infra Hundred de C. venati sunt, ac lepores ac alia animalia ven ceperunt contra pacem &c. ac contra formam statuti &c.

An Indictment for robbing of a Church.

Sect. 271. INquir &c. Si I.W. de &c. vi et armis &c. ecclesiam parochialem sanct Andr Apostoli, apud S. in com præd fregef et intravef, ac xx. d. in pecuniis numeratis de bonis et catallis parochianor parochiæ præd in custod W.F. et W.S. custod sive gardianorum bonorum et eatal parochianorum parochiæ præd existen adtunc et ibid felonice furat fuit cepit et asportavit, contra pacem &c.

An Indictment of 2. Sherifes of a City, for suffering of a prisoner committed to them upon suspition of felony to escape.

Sect. 272. INquirat &c. Quod cum Robertus I. nuper de civitate Conventrie in com civit præd Yeoman, oct die Novemb. anno reg. Eliz. &c. pro suspitione felon per ipsum R. I. preantea fieri et perpetrari suppositum apud civit pdict capt et arrestat fuit: Idemq; R. I. eisd die et an apud civit prædict' quibusdam Iohanni S. de civitate predict' Cocher et Willihel P. de civitate prædict' Milner, vic' Civitat' præd, ac custod gaolæ dictæ dominæ regin infra civitat' illam, ob causam præd tradit' fuit salvo et secur custod quousq; idem R.I. à custod illa secund legem et consuetud regni Angliæ à prisona illa deliberat' foret, si iidem I. S. et W. P. die et anno supradictis apud Civitat' pred' in comitatu Civi-

Civit̃ prædꝫ, R.I. ad largum & extra Gaolam & cust̃ predꝫ fel̃ et volunt̃ exire permiser̃, contra pacẽ dictæ dom̃ reginæ, &c.

An Indictment for ſtealing of Conies with nets, dogs, and ferrets.

INquir̃ &c. ſi I.W. die & añ &c. vi et armis, &c. clauſum cujuſdꝫ K.L. voc' &c. apud M. circa horã octavã in nocte fregẽ & intraver̃, & unã cuniculam cũ retib⁹, canib⁹, & venariis voc' Ferrets, adtũc & ibid̃ invent̃ ceperunt & aſportaver̃, ad grave dãnum &c. & contra pacẽ, &c. Sect. 273.

An indictment of a Keeper of a Gaole, for letting one committed to him upon ſuſpition of felony, eſcape out of priſon.

INquirat̃, &c. qꝺ eũ quidam I.B. de, &c. die & añ, &c. ꝓ ſuſpic' cujuſdꝫ fel̃ ꝓ ipſũ infra vil̃ prædꝫ ante tunc fieri et perpetrat̃ ſuppoſit̃, capt̃ et arreſtat̃ fuit apud villã predꝫ, & eiſdẽ die et añ prædꝫ I.B. cuidam T.R. de villa et com̃ prædꝫ Yeoman, cuſtoꝺ gaol' dicti dom̃ reg' in dict' vil̃ de L. prædꝫ ꝓ ſuſpic' feloñ prædꝫ ſalvo & ſecur̃ cuſtoꝺ tradit̃ fuit quouſq; idẽ I.B. à cuſtoꝺ illa ſecundꝫ legẽ & conſuet̃ regni Angliæ deliber̃ foret: Si idẽ T.R. die &c. anno ſupradꝫ apud villã prædꝫ in com̃ prædꝫ I.B. ad largũ et extra gaol' prædꝫ negligẽt volunt̃ et fel̃ exire & evadere permiſit, contr̃ pacẽ dictæ dom̃ reginæ, &c. Sect. 274.

An Indictment for the ſtopping and turning of a water courſe in a towne, by reaſon whereof divers mens lands be ſurrounded.

IVrator̃ preſentant, &c. Quod T.R. nuper de S. Yeoman, I.P. nuper de S. Yeoman, &c. primo die Ian̄ anñ regni dictæ dñæ reg' ſecund, necnon diverſis aliis diebus & vic', tã antea q; poſtea apud S. predꝫ, quendã aquæ curſum obſtipavit & divertit, per qꝺ prædꝫ aquæ curſus fluebat ſuper ſolũ et liberũ teñtũ quorundã &c. ad grave dãnum ipſor̃, necnon oĩum teneñ villæ de S. prædꝫ, et in pernicioſum exemplum alior̃, ac contra formam ſtatut̃ &c. et contra pacẽ dictæ dominæ reginæ, &c. Sect. 275.

An Indictment upon the Statute of 8. H. 6. for a forcible entry into one road of land, and aſſaulting and beating of I.F. and keeping the ſame with force.

INquiratur pro domina Regina, Quod cum in Statuto in Parliamento Domini Henrici nuper Regis Angliæ ſexti poſt conqueſtum apud Weſtmonaſt. Anno regni ſui octavo tent̃, ædit̃, inter cætera continet̃; qꝺ ſi aliqua perſona de aliquib⁹ terris ſive tenement̃ manuforti expulſa ſit Sect. 276.

fit vel diſſeiſit vel pacific' expellatur et poſtea manuforti extra teneat vel aliqd feoffam̃ vel diſcontinuat inde poſt talem ingreſſum ſuum ad jus poſſeſſoris defraudand vel tollend aliquo modo fiat, habeat pars in hac parte gravat verſus talem diſſeiſitorem Aſſiſam novæ diſſeiſinæ vel breve d̃ tranſgr̃. Et ſi pars gravat per Aſſiſam vel per actionẽ tranſgreſſionis recuperet per veredict' vel alio quocunque modo per debit legis formã inveniat ꝙ pars defendens vi ingreſſus fuerit, vel dicta tenementa per vim poſt ingreſſũ ſuũ tenuerit, recuperaret querens dãa ſua ad triplũ verſus defendentes. Et ulterius finem & redemptionem dñæ reginæ fac' ,put in eodem ſtatuto plenius continetur: Quidam tamen I.W. de W. in com̃ præd **Yeoman**, E.H.I.L. et alii ſtatut predict minime ponderan̄, vii. die Martii, anno, &c. vi et armis, viz. bacul' gladiis, et fuſtib⁹ ſeipſos aſſemblaverunt, congregaverunt, & coadunaver̃. Et ſic aſſemblat̃, congregat̃, et coadunat̃ exiſten̄ modo guerrino arraiat̃ riotoſe & illicite in unã rodam terræ liberi tenementi cujuſdam G.B. gener̃ apud W. in quodam loco vocat̃ **Catmoze dale** in comitat̃ præd ingreſſi fuerunt. Et in quoſdam I.F. et I. W. adtunc et ibidem inſult̃ et affraiam fecerunt, verberaverunt, et maletractaverunt, et ipſum G.B. d̃ eadẽ roda terræ manuforti expulerunt. Et ipſum G.B. ſic expulſum inde manuforti extratenuerunt & adhuc extratenent in dict dom̃ Reg. nunc contemptum & ipſius G. grave damnum, ac contra formã ſtatuti præd. Et contra pacem dictæ dominæ reginæ, &c.

An Indictment for murdring of a man child newly borne, which is murthered by the mother.

Sect. 277. INquiratur ꝑ dña reg. Si E.B. nup de T. in com̃ &c. **Spinſter**, 29. die &c. Añ, &c. apud T. præd adtunc et ibid quendã infantẽ maſculinum vivũ peperit. Et poſtea præd E. apud T. præd infantem vivum adtũc et ibid cũ digitis ſuis ſuper caput ſuum dure tractand per ꝙ infãs præd immediate moriebatur. Et ſic præd E.B. infantẽ præd die et ann̄ ſupr̃ felonice interfecit et murdravit con̄ pacẽ dictæ dom̃ reg' nunc. &c.

An Indictment for hunting in a Parke paled, and for killing and carrying away of a Bucke and a Doe in the night time.

Sect. 278. IVrat̃ præſent̃. &c. qd cũ in Statut in Parliamẽto dominæ reginæ nũc tent̃ apud W. Anno regni ſui quinto inter alia inactitat̃, ſtabilitat̃ & ordinat̃ exiſtit. Quod ſi aliqua perſona ſive perſonæ poſt feſtum Pentecoſtes Anno 5. ſupradicto in die vel in nocte, injuſte vel illicite fregerit, fregerunt vel intraverunt in aliquod parcum impalatum vel ſepibus incluſum ad ſervand vel ſuſtenan̄ ferat̃, uſitat̃, et ibidẽ injuſtè venatur

venatur vel venantur, ceperit aut ceperint, occiderit aut occiderint, aliquas feras infra aliqd hmõdi parcũ impalat vel ſolum incluſum & pro feris uſitat modo & forma præd' & inde debito modo convictus fuerit aut fuer ad ſectã dictæ dñæ Reg. vel partis in hac parte gravat. Qd tũc ead perſona ſive perſoñ ſic inde convict' pœñ corpor ſive corpor ſuorũ p impriſonament ſubeat & ſubeant p ſpaciũ 3. menſium & reddat & reddant, ſolvat & ſolvant parti gravat damna ſua ad triplum. Et poſt pd tres menſes complet' inveniat & inveniant ſufficient ſecuritatem p ſua vel ſuis bone geſtur & geſtur p ſpac' 7. annor tunc pxim ſequend erga dict domin' Reg. hæred & ſucceſſor & cunctũ popul ſuum, aut remanebit ſive remanebunt & continuabunt ſemper in priſoñ ſine balliva vel manucapt donec ille vel illi delinquen' poterit vel poterint & invenerint, tres tales ſufficientes ſecuritates durante termin 7. annor ut ſupradictũ eſt, put in ſtatut præd plenius continetur: Quidã tamẽ W. W. T. M. &c. de &c. ſtatut præd minime ponderant poſt præd feſt. P. ſcz. 3. die Junii anno &c. circa horam 1. in nocte ejuſd diei vi & armis, &c. parcum impalat & p feris uſitat cujuſd I. S. ar vocat **Hopwell Parke** apud **Hopwell** in Com. pred fregerunt & intraver, & unum damam maſculinum & unam Damam femalem adtunc & ibm in eodem parco invent & exiſten ceperunt, interfecerunt & aſportaver, contra formam ſtatuti prædict' ac contra pacem, &c.

An Indictment of Burglary, for breaking of a dwelling houſe in the night time to the intent to have robbed the ſaid houſe, and for beating and putting in feare divers in the ſame houſe.

INquirat pro dña Reg. ſi I. P. nup de &c. 20. die &c. vi & arm' &c. circa hora 10. in nocte ejuſd diei domum manſional cujuſd D. B. de L. pred in Com præd H. apud L. pred ea intentiõ ad ſpoliand eundẽ D. de bonis & catall ſuis in ead exiſten felon & burglar fregit & intravit, & eund D. & quendã I. B. filium pred D. & E. uxor ejus in domo pd in pace Dei & dict dñæ Reg. adtunc & ibid exiſten' verber, vulner, & maletractavit, & in corporali timore & maxim' metu & periculo vitar ſuarum adtunc & ibid poſuit, contra pacem, &c. Sect. 279.

An Indictment of Burglary, for breaking of a dwelling houſe in the night time, and the putting of them in the houſe in feare, and for the felonious taking out of the ſaid houſe 1200. li. in money, and a Chalice of Silver parcell gilt.

INquirat pro dña Regina, ſi T. W. de B. in Comit &c. ſexto die &c. Anno &c. circa horam primam in nocte ejuſdem diei domum manſionalem Sect. 280.

sionalem cujusdam I.B. apud W. in com' pred felon & burglar' fregit & intravit ac ipsum I.B. adtūc & ibid in eadem domo mansionali in corpor timore posuit ac mille & centum libr legalis monetæ Angliæ in pecuniis numerat & unā calicem argent parcel aurat voc' **a challice of siluer parcell gilt**, ad valenc' 4. l. de denariis & de bonis & catallis I. B. in eadem domo mansionali adtunc & ibidem invent felonice cepit & asportavit contra pac' dictæ dnæ reg' coron & dignitat suas.

An Indictment for breaking of a barne, and taking out of it foure bushels of Barley.

Sect. 281. INquir &c. si I.S. &c. hor cujusd I.C. de Sutton magn in com' pred adtunc & ibid burglar fregit & intravit, & quatuor modios hordei Ang' voc' **a quarter of barly**, ad valenc' 6.s. 4.d. de bonis & catallis prædict I. C. adtunc & ibid invent burglariter & felon cepit, abduxit, & asportavit, contra pac', &c.

An Indictment for breaking of a Milne, and taking out of the same a sacke and six bushels of Wheat.

Sect. 282. INquir &c. si I.S. &c. vi & armis domum molendin W.H. apud C. in poch' de D. in com. pred voc' **Clarkmil**, burglar fregit & intravit & unū saccū pcii &c. & sex modios tritici voc' **6. bushels of wheat**, in sac' ibid existen pcii 20. s. de bonis & catallis pred W. H. adtunc & ibid invent die, anno loco, suprad felon cepit & asport cont pac' &c.

An Indictment for the felonious taking of six paire of sheets, twelve diaper napkins, and one ring of gold.

Sect. 283. INquir &c. si I.B. vi & armis 6. paria linthearum voc' **Sheets**, ad valenc' xl. s. 12. mappas de diaper voc' **table Napkins**, ad valenc' xls. unū annulū de auro cujusd I.S. apud H. pdict dict die & anno adtunc & ibid invent felonice cepit & asportavit contra pac', &c.

An Indictment for the felonious taking of a cup of silver parcell gilt in the isle of V.

Sect. 284. INquir' si I.S. vi & armis unā Cyphā argent parcel aurat Angl vocat **a cup of siluer parcell gilt**, ad valenc' 4. l. de bonis & catallis E.W. apud M. infra insulam V. in com. pred adtunc & ibidem invent felon cepit & asportavit contra pacem, &c.

An Indictment for receiving, ayding, and comforting of a felon knowing him to have done a felony.

Sect. 285. INquir &c. si R.S. sciens prefat I.R. felon pred in form' præd fecisse, & perpetrasse eund I. 20. die &c. anno &c. in comit prædicto felon recepit auxiliatus fuit & confortavit contra pacem, &c.

An

An Indictment for ſtealing two Horſes of a mans unknowne.

INquirat &c. ſi W.H. nuper de F. in com. p̄d &c. 1. equum coloris gray p̄cii: &c. & 1. equam color' &c. p̄cii &c. de bon & catal' cujuſd̄ homin ignoti die & anno ſup̄d̄ felon cepit & abduxit cont̄ pac' &c. Sect. 286.

An Indictment for aſſaulting and robbing of a man upon the high way of a Gelding and his purſe, and 20. s. of money in it, and for the taking of two Mares found in the highway.

INquiſ̄ &c. ſi I.I. &c. vi & ar' in reg. via ducent̄ à W.uſq; ad B. in com̄ præd̄ in R. S. gen adtunc & ibid̄ exiſt' in pace &c. inſult̄ fecit et 1. ſpadon color' nigri precii &c. et x. s. in pecun numer' exiſt' in 1. purſa valor̄ 1. d. exiſt' de bon et catal' dict̄ R. S. apud B. pred̄ adtunc et ibid̄ in reg. via invent̄, felon cepit et abduxit, cont̄ pac' &c. et 2. equas color' &c. precii &c. de bonis & catal' D.C. apud A. in com' W. in reg. via ibid̄ adtunc & ibid̄ invent̄ cepit & abduxit, cont̄ pac' &c. Sect. 287.

An indictment for the robbing, beating, and wounding of one on the high-way, and taking from him 10. s.

INquiſ̄ &c. ſi I.S. &c. vi et arm' in quod̄ loco ibid̄ voc' the Aſhdowns croſt, in via reg. ibid̄ in A.B. inſult̄ fecit & ipſum adtūc & ibid̄ verber' valner' et maletract' ita q̄ de vita ſua deſper' et x. s. in pecun numer' ſup p̄ſon ipſi' A. B. adtunc et ibid̄ exiſt' de pecun bonis et catal' pred̄ A.B. adtunc et ibid̄ invēt̄ felon cepit et aſportavit contra pac. &c. Sect. 288.

An Indictment for aſſaulting of a woman, and feloniouſly taking from her 5. s. 4. d. in money.

INquir' &c. ſi I.B. &c. vi et armis &c. in quand̄ E.C. apud C. in Com' pred̄ inſult̄ fecit & 5. s. 4. d. à perſon ipſius E. adtunc et ibid̄ invent̄ felon' cepit et aſportavit, contra pacem &c. Sect. 289.

An Indictment for ſtealing out of a cloſe foure Sheepe.

INquir' &c. ſi I.S. &c. vi et arm' clauſum I.S. ſenioris gen apud B. in parochiade D. in com̄ pred̄ fregit et intravit, et 4. oves precii 5. s. de bonis et catal' ipſius I. ibid̄ invent̄ felon cepit & aſport, cont' pac' &c. Sect. 290.

An Indictment for breaking of a houſe in the day time, and taking of 6. li. out of a cheſt, and againſt one for ayding and comforting the ſaid felon.

INquiſ̄ &c. ſi R.C. die &c. domum P.S. apud G. in com. p̄d̄ circiter horam 1. poſt meridiem ejuſd̄ diei fregit & intravit ac 6. l. in pecun numer' in quad̄ ciſta adtunc & ibid̄ exiſt' de bonis & catal' p̄d̄ P.S. apud C. in com̄ præd̄ adtunc & ibidem invent̄ felonice cepit & aſport̄ contra Sect. 291.

cont̄ pac' &c. Ac si G.L. &c. sciens q̄ p̄f. R. B. felon̄ p̄d̄ modo & forma præd' sic fecisset apud E. præd' in com̄ præd̄, die & anno sup̄d̄ felonice abbettavit, confortavit. & concelavit, contra pacem &c.

An Indictment of murther committed by the father upon his owne daughter with his fist.

Sect. 292. INquir̄ &c. si I.L. de &c. die & ann̄ &c. apud &c. in quod' loco voc' E. T. in com̄ præd̄, vi & ar̄, &c. in quand̄ A.L. filiam præd̄ I. in pace Dei & dict̄ dn̄æ reg. exist', ex malitia sua p̄cogit̄ insult̄ fecit, verberavit, & maletract', ita q̄ de vita sua desperabat̄, ac præd̄ I. cum suis pugnis adtunc & ibid̄ felon̄ sup̄ corpus percussit dans eid̄ A. unam plagā mortal̄ de qua quid̄ plaga ead̄ A. incontinent̄ adtunc & ibid̄ obiit. Et sic præd. I. præd. A. adtunc & ibid' felon̄ interfecit & murdravit, cont̄ pac' &c.

An Indictment for the counterfeiting of Testers, and for the paying and uttering of them.

Sect. 293. IUr̄ p̄sent̄ &c. q̄ H.P. nuper de L. **Heruingman**, die &c. anno &c. 40. pecias cunei argenti voc' **Testers**, de cuneo dict' dn̄æ Reg. & current monet̄ Angl', ad similitud̄ & instar veri cunei Angl' & monet̄ dict' dn̄æ reg. apud Stanley Abbey præd̄ in com̄ præd̄ falso & p̄ditorie fabric' & contrafecit, & diversis ligeis dict' dn̄æ reg. die & ann̄ sup̄d̄ apud S. pred. in com̄ p̄d̄, ut vera Monet̄ dict̄ dn̄æ reg. falso exposuit utteravit & solvit, cont̄ form̄ stat' in hm̄di casu ædit', & contpac' &c.

An Indictment for counterfeiting, making, and uttering of false money, viz. Sixepences made with coyning Irons, of false metall.

Sect. 294. INquir̄ &c. si W. H. de &c. die & anno &c. apud &c. falso & p̄ditor̄ cuneis ferreis, voc. **Coyning irons**, cuneā dict' dn̄æ reg. viz. **Sixpences**, Angl' **Testers**, ex falsis metal̄ cōtrafecit & cuneaverit, ad similitud' bone & public' Monet̄ Angl' attingen̄ ad 5. s. & præd̄ fallam monet' sic ut pref. p̄ditor̄ cuneat̄ præd̄ die & loco, & in diversis aliis locis in Com̄ præd. & diversis diebus & vicibus ligeis dict' dn̄æ reg. ign' p̄ bona monet' felon̄ & p̄ditor̄ exposuit & utter̄, cont' pac' &c. cont̄ alleg. &c.

An Indictment for burning of a dwelling house, a barne, and a waine load of Barly in the same barne, and against one for comforting the said fellon, after the felonie done.

Sect. 295. INquir̄ &c. si W.B. de &c. vi & armis, viz. baculis & cultellis quand̄ domum mansional̄, ac unum horr̄ cujusd̄ W.T. necnon carucam hordei in horreo p̄d̄ exist', & contin̄ ad valenc. 30. l. de bonis & catal̄ ejusd̄ VV. apud T. pred̄ in com̄ præd̄, die & an̄ præd̄ felon̄ et voluntar̄ ignivit, accendit, cremavit, et cū igne destruxit, cont̄ pac' &c. & cōt̄ form̄

Statuti

Statuti inde ædit & ꝓviſ. Ac ſi I.K. nuper &c. ſciens ꝑd̄ W.B. feloñ ꝑd̄ in forma præd' ſic facient dict' die & anno apud T. ꝑd̄ in coñ ꝑd̄ feloñ concelavit, procuravit & abbettavit contra pac' doñ reginæ. Acceſſorie.

An Indictment againſt two being priſoners, for breaking of the priſon, and letting out two priſoners.

INquiſ̄ &c. ſi B.C.F.G. nuper de &c. nuper arreſtat', impriſoñ & detent̄ in gaola dict'dñæ reg'de &c. ꝓ diverſis feloñ ꝓ ipſos ſepatim ꝓpetrat̄ 8. die Feb. anno &c. vi & armis &c. præd' gaolam dict' dñæ reginæ de F. præd̄ in coñ præd' apud &c. fregeꝝ & I.C. nup de &c. & I.S. priſonarios in eād̄ gaola exiſteñ adtunc & ibid̄ feloñ ad largū ire ꝓmiſerunt contra pacem &c. ac contra form̄ ſtatut̄ &c. Sect. 296.

An indictment for breaking of Priſon by one committed for felony.

INquir' &c. ſi A. B. nuper &c. exiſteñ in priſoñ dñæ reg. apud C. &c. pro diverſis feloñ unde corā Juſtic' pacis dictæ dñæ reg. in coñ pred̄ ad Seſſionem tent̄ corā eiſd̄ Juſtic' primo die &c. anno &c. feloñ ab gaola illa adtunc & ibid̄ tranſiit & feloñ evaſit cont̄ pac' &c. Sect. 297.

An Indictment grounded upon a ſtatute law, againſt one that keepeth Greyhounds, hounds, and ferrets, who may not diſpend 40.s. per annum.

INquiſ̄ &c. ſi A. B. nuper de &c. quod cum in pliam̄ apud Weſt' nup ædit inter alia continet̄, qd̄ nullus Laborarius, artifex nec ullus alius laicus qui non habet terꝝ & tenement̄ ad valeñ xl. s. per añ, nec ullus cappellanus ſeu aliquis aliꝰ Cleric' ſi ipſe non habet benefic' ad valen' x.l. per añ proviſ. exiſtit qd tunc impoſteꝝ non habeꝝ ſeu cuſtod̄ ullum canem leporaꝝ voc' **a grey hound**, vel canem venaticum voc' **a hound**, ſeu alios canes pro venation̄, uteretur, venaꝝ voc' **Ferrets**, vel magnis retibus voc' **Hayes**, vel retibus **bare pipes**, aut aliis engenis quibuſcūq; ad capiend̄ aut deſtruend̄ feras, lepores, aut cuniculos ſub pœn̄ impriſoñ per unum annum integꝝ prout in act' Parliament̄ præd̄ plenius continetur: præd̄ A.B. non habens terꝝ & tenement̄ ad valenc' xl.s. per añ leporar' voc' **Greyhounds**, venatic' voc' **hounds**, & alios canes ad venand' apud N. in coñ ꝑd̄ habet & cuſtod̄, ac etiam venaꝝ voc' **Ferrets**, ut ſupra die & añ apud N. in com' præd̄ utitur, ad capiend̄ & deſtruend̄ feras, lepores & cuniculos contra ſorm̄ ſtatuti præd̄, vel in cōtempt̄ dñæ reginæ nunc, & contra formam ſtatuti præd', &c. Sect. 298.

An Indictment for ſtealing of foure oxen, and of the acceſſaries to the ſame felony before and after the ſame felony done.

INquir' &c. ſi A.B. de F. in coñ N. **Yeoman**, die & añ &c. 4. boves ꝑcii &c. de bonis & catall̄ I.S. de W. in coñ præd̄ invent̄ feloñ furaꝝ fuit cepit & abduxit. Et ſi W.B. de N. in com' ꝑd̄ **Yeoman**, die & anno &c. Sect. 299. Acceſſorie.

apud N. in com̃ præd̃ fuerunt conſentientes & abbettañ prædict' A. B. ad feloñ prædict̃ in forma prædict̃ faciend̃ contra pacem, &c. **Et pur-les acceſſaries apres in ceſt maner.** Et ſi H. W. & P. R. nuper de, &c. ſcieñ prædict' A. B. feloñ præd̃ in forma præd̃ feciſſe apud T. præd̃ & alibi in Com̃ præd̃, præd̃ 10. die, &c. eundem A. B. feloñ receptaver, cont̃ pacem, &c.

An Indictment of wilfull murder.

Sect. 308. INquiratur, &c. ſi T. S. de D. in com̃ p̃d̃ **yeoman**, 20. die Junii, añ̃, &c. vi & armis, viz. gladiis, baculis, & cultelliis in quend' W. P. de S. in cõ. p̃d̃ **Husb.** in pace Dei & dict' dñæ reg. exiſt. ex malitia ſua precogitat̃ apud L. in com' p̃d̃ inſult̃ fecit & cum quodã enſe ad valenc' x. s. quem idẽ T. in manu dextra adtũc & ibm̃ habuit & tenuit p̃f. W. ſuper dextrã part̃ capitis ſui pcuſſit dans ei plag' mortal', de qua quidẽ plag' p̃d̃ W. P. à 21. die Juñ uſque ad 12. die Dec' languebat & tunc de plaga præd̃ moriebat̃. Et ꝙ præd̃ T. apud L. p̃d̃ ex malitia ſua p̃cog' feloñ & volum̃ interfecit & murdravit, contra pacem, &c.

An Indictment of Manſlaughter againſt two, and againſt one other as acceſſarie to the ſame.

Sect. 309. INquiratur p̃ dña Regina, ſi A. B. de C. in com̃ D. **Yeoman**, & W. F. de T. in Com̃ p̃d̃ **Husbandman**, 2. die, &c. in I. W. de C. in Com' p̃d̃ **Laborer**, apud L. p̃d̃ inſult̃ feceꝝ & ipſum I. VV. adtunc & ibid̃ idẽ A. B. cum quodã armicudio ꝙdict' A. B. in manu ſua dextra tenuit in gut ipſi' I. feloñ percuſſit, de quo ict̃u p̃d̃ I. interiit & moriebat̃. Et p̃d̃ W. F. cũ quadã tendite voc' **a hedge Bill**, quam ipſe in manibus ſuis tunc tenuit ipſum I. adtunc & ibid̃ percuſſit & ipſum A. B. ad interficiend̃ & murd̃ p̃d̃ I. adtunc & ibidem feloñ auxiliavit. Et ſic A. B. præd̃ die añ & loco p̃d̃, præd̃ I. W. feloñ murd̃ & interfec': & ꝙ H. VV. de P. in com̃ præd̃ gen̄ ſciẽs præd̃ A. B. præd̃ fel' & murdrũ præd̃ in form' p̃d̃ feciſſe apud L. & alibi in dict' com' decimo die, &c. eundẽ A. B. feloñ recepit, contra pacem, &c.

Acceſſarie.

An Indictment of Treſpaſſe for breaking and entring into a cloſe.

Sect. 318. INquiratur p̃ dña Regina, ſi I. S. de N. in com' N. 10. die Ju. anno, &c. vi & armis &c. clauſum A. B. de H. apud F. in com' præd̃ freg. & intravit & herbã A. B. ad valenc' x. s. ibid̃ nup creſceñ cũ quibuſd̃ averiis depaſtat̃ fuit cõculcavit & cõſumpſit. Et alia enormia ei intulit ad grave dañ ipſi' R. G. & contra pac' dñæ Reg. Coroñ & dignit̃ ſuas.

An

An Indictment for lying in wait to kill one, and for assaulting, beating, and wounding of him, and for entring into and breaking of his close.

INquir̃ ꝓ dña reg. si R. C. de B. in com' N. Laborer, 8. die anñ &c. apud B. ꝑd̃ jacuit insidiis ad interficiend̃ VV. S. de T. in com' ꝑd̃ Husbandman, & in ipsum adtunc insult̃ feceṽ, verbeṽ, vulneravit, & maletract' ita ꝙ de vita ejus desperabat̃. Ac etiam si ꝑd̃ G. & R. uxor̃ ej' 30. die Octob. anñ supd̃ clausum ipsius VV. apud B. ꝑd̃ fregeṽ & intraveṽ & herbam suã ad valenc' &c. ibid̃ crescen̄ cum quibusd̃ averiis depastat̃ fuer̃ conculcaveṽ & consumpseṽ con̄ pac' &c. Sect. 303.

An Indictment of Trespasse for breaking and entring into a close, and cutting downe Ashes in the said close.

INquir̃ ꝓ dña reg. si A. B. de C. in com̃ I.. Clericus & VV. D. de ead̃ villa & com. Clericus 4. die Augusti anno &c. clausum A. B. de M. in com' ꝑd̃ fregeṽ & intraveṽ & fraxinos ipsi' A. B. ibid̃ crescen̄ ad valēc' 40. s. succideṽ & asport̃ ad grave damn̄ &c. ac con̄ pac' &c. Sect. 304.

An Indictment for a Riot committed by many upon two, and for beating and wounding of them, upon the Statute of Anno 2. R. 2. cap. 7.

INquir̃ ꝓ dña reg. si A. B. nuper de M. in com̃ M. yeoman, aggregatis sibi quam pluribus malefactor̃ & pacis dñæ reg. pturbator̃ ignot̃ ad numer̃ &c. modo guerrino arraiat̃ 6. die Junii anno &c. apud S. in com̃ præd. riotose & ruotose se illicite congregaveṽ & coadunaveṽ & tunc & ibid̃ in R. W. & VV. P. ipsos interficiend̃ insult̃ fec eṽ, & ipsos R. & VV. tunc & ibid̃ verbeṽ vulneṽ & maletract', per ꝙ de vita sua desperabatur con̄ pac' dñæ reg. &c. Sect. 305.

An Indictment against two for assaulting of one, and for taking of foure Kine from him that he had taken damage feasant in his land, and was carrying them to the pound.

INquir̃ ꝓ dña reg. si I. L. de B. in com' S. yeoman, & I. I. nup de ead̃ villa in com' ꝑd̃ 15. die &c. apud B. ꝑd̃ vi & arm' in & sup I. D. insult̃ feceṽ & adtūc & ib' 4. vaccas, quas in & sup teṽ suã damn' facien' cepisset & 2. consuetud̃ vill' ꝑd̃ ibid̃ imparcari voluisset ab eod̃ I. G. riotose cepeṽ & ab inde con̄ ej' volūtat̃ abduxeṽ con̄ pac' dñæ reg. &c. Sect. 306.

An Indictment for a rescous made against the Sherifes Bailifes, of one by them arrested by force of the Queenes Writ: and for the taking away and detaining of the said Writ.

INquir̃ ꝓ dom̃ reg. si R. VV. de D. in Com' L. die &c. anno &c. apud D. ꝑd̃ in com. ꝑd̃ vi & arm', &c. & in & sup B. C. & I. H. balliv. itineran̄ Sect. 307.

rant̃ T. vic' I. reſcuſſum fecerunt & quend̃ T. T. quẽ p̃d̃ B.C. & I.H. virtute brevis dict' dñæ reg. p̃d̃ vic' direct' cepiſſet & attachiat̃ fuiſſet ab eiſd̃ B.B. & I.H. & extra eor' cuſtod' ceperint: & etiam breve pred̃ ab eiſd' ballivis itineran̄ cuſtodivit & detinuit & adhuc detinet in malum exempl' toti⁹ populi dñæ reg. ibid̃ ꝑpe commorantis ac conṫ pac' &c.

An Indictment of manſlaughter, committed by two, and one as acceſſarie after the manſlaughter done.

Sect. 308. INquir' ꝑ dña reg. ſi S.W. de L. in com̃ E. fabricar' & W. S. de C. in com' præd̃ **Yeoman**, 2. die Aprilꝭ anno reg. Eliz. &c. 6. in A.B. de C. in com' præd̃ operarium apud C. præd̃ inſulṫ feceṙ, & ipſum A.B. adtunc & ibid' idem S. W. cum quod' gladio quem dict' A. in manu ſua dexṫ tenuit in collo ipſius I. percuſſit, de quo ict̃u p̃d' I. interiit ac moriebatur. Ac idem S.W. eund' A.B. inveñ cũ dicto gladio adtunc & ibid' gravit̃ vulneṙ: de quib⁹ quid' vulneribus & ictibus idem I. interiiſſet ſi non interiiſſet de pred' vulnere in collo percuſ. Et pred. W.S. cũ quad' tendite voc' a **Forest Bill**, quam ipſe in manibus ſuis tenuit ipſum I. adtunc & ibid' percuſſit & ipſum W. S. ad interficiend' & murdrand'
Acceſſorie. præd' I. adtunc & ibid' felon̄ auxiliavit: Ac ſic S.W. præd' I. die anñ & loco præd' felon̄ murdravit & interfecit, Et præd' L.B. nuper de &c. in com' &c. gen̄ ſciens præd' S.W. felon̄ & murdr' præd' in modo & form' præd' ſic feciſſe apud E. et alibi in dicto com̃ 10. die &c. eund' A.B. felon̄ recepit contr' pac' dom' Reginæ coron̄ et dignitat̃ ſuas.

An Indictment againſt two, for hearing of theſe words ſpoken by one, videlicet, A vengeance on the Queene, and of ſuch falſe Councell. *And then declaring of the ſame to the Sherife of the Shire.*

Sect. 309. INquiṙ ꝑ dña reg. ſi W.I. de S. in com̃ N. Clericus, die &c. apud W. præd̃ deum præ oculis non habens & ligeantiã debit̃ minime ponderans falſo & ꝑdit̃ ut falſus prodit̃ & inimic⁹ ipſius dñæ reg. dict' die & anñ apud N. præd̃ corã A. B. & C. D. de E. in com' præd̃ **Yeoman**, obſtinate & malitioſe dixit & propagavit hæc verba ſequentia
Concealing. in Angl' verbis (*A vengeance on the Queene, and of ſuch falſe Councell*) tam contra ligeanc' & pac' dñæ reg. quam conṫ form' Statuti in hm̃di caſu ædit' & proviſ. Et ſic præd̃ A. B. & C. D. ſciens præd̃ I. dicta verba proditoṙ locuṫ fuiſſe, falſo & proditoṙ conṫ ligeanc' debit̃ ſuã cõcelaveṙ & ſecrete cuſtod̃ conṫ pac' dñæ reg. & conṫ form' ſtatuti in hm̃di caſu ædit' & proviſ. uſq; ad 1. die Martii ann' &c. ꝙ dicti A.B. & C.D. dicta verba ſic proditoṙ per dict' I. loquuṫ corã N. S. milite vicecomiti com̃ pred̃ ac R. S. gen̄, retulerunt & oſtenderunt.

An

An Inquiſition taken before a Coroner upon the view of the body dead, how he came to his death: In which it is found that he died of a feaver or ague by the viſitation of God, and not otherwiſe.

INquiſitio capt̄ S. in com' S. 20. die &c. anno &c. coram I. B. uno coronatorum dict̄æ dominæ Reg. in com. pred̄ ſuper viſum coporis A. B. nuper de E. in com' præd̄ **Husbandman**, ibidem iacen̄ mortui per ſacram' &c. Qui dicunt ſuper ſacram' ſuum q̄ ita accidebat apud G. præd̄ die &c. anno &c. qd præd̄ A. B. egrotabat apud G. præd̄ de Febri in 10. die Aprilis uſq; ad 20. diem menſis ejuſdem. Quo quidem die ex Febri pred̄ & viſitatione Dei adtunc & ibid̄ præd̄ A. B. circa horam 10. ejuſdem diei ante meridiem obiit. Et Juratores pred̄ dicūt, qd præd̄ A. B. ex nullo alio morbo egritudine aut infirmitate ad mortem ſuam deveniebat, ſed hec eſt cauſa mortis ſui, & non aliter. In cujus rei teſtimoñ huic Inquiſitioni tam præd̄ Coronator quam Juratores præd̄ ſigilla ſua appoſuerunt. Sect. 310.

An Inquiſition found before a Coroner upon the view of the body dead, in which it is found that S. A. being Keeper of the Earle of Pembroke his Parke, finding one hunting in the ſame Parke required him to ſtand and yeeld himſelfe, hee nevertheleſſe defended himſelfe and would not yeeld: whereupon the Parke keeper, with a Foreſt Bill with a thruſt in the breſt killed him.

INquiſitio indentat̄ capt̄ apud **Sarefield**, in com' S. 9. die Februarii anno &c. per ſacram' &c. Qui dicunt ſuper ſacram' ſuum, q̄ cū quid S. A. parcarius prenobilis W. com' P. parcæ ſuæ de P. in com' pred̄ 20. die Januarii anno regni dict̄æ dn̄æ Reginæ 4. circa 11. horam ejuſdem die inveniebat præd̄ T. H. in parco p̄d̄ venant̄ & vagrant̄ ad damnum ibid faciend̄. Et p̄d̄ T. H. poſt clamorem per p̄d̄ S. adtunc & ibid̄ levat̄ ad pacem dict̄æ dn̄æ Reginæ ad ſtand̄ rect̄ reddere ſe nolebat ſed ad malitiam ſuam exequend̄ & continuand' & pacem dict̄æ dn̄æ Reginæ diffugiend̄, vi & armis tunc & ibid̄ ſe defendebat p̄d̄ S. A. adtunc & ibid̄ veniens ad eundem malefactorem ſic invenī arreſtand̄ & capiend̄ cum quadam tendite Anglice voc' a **Foreſt Bill**, quam præd̄ S. A. in manu ſua dextra tenuit præd̄ T. H. vi & armis reſiſtentē adtunc & ibidem in pectus ipſius T. percuſſit, de quo quidem ict̄u idem T. H. 1. die Februarii tunc p̄x' ſequen̄ apud **Sarefield**, præd̄ in Comit̄ prædict' obiit. Et Juratores predicti ulterius dicunt ſuper ſacramentum ſuum, Quod p̄d̄ S. A. non occaſione alicujus diſcordie contumelii aut alicujus male- Sect. 311.

malevolenc' ſive odii p̄cogitat̄ ſed ſolummodo ob cauſam p̄d̄ & non aliam p̄d T.H. percuſſit ut prefertur: In cujus rei teſtimoñ &c.

An Indictment of confederacie or combination by Oath againſt the Queene and others.

Sect. 312. INquiſ̄ p̄ domina Regina, ſi I.H. de B. in Com̄ L. Yeoman, & W.P. de G. in com̄ prædict̄ Yeoman, E.F. de C. in com' prædict̄ Yeoman, die Lunæ proxime poſt feſtum Sancti Michaelis Archangeli obligaverunt, & fides ſuas mutuas inſimul dederunt intraverunt & ſacramenta ſua ſuper librum preſtiterunt, qd in alto & baſſo juſticia & injuſticia jure & injuria ſe ad invicem tenerent & in omnibus occaſionibus querelis & demand̄ quibuſcunque cont̄ ipſos vel quemlibet eorum movend̄ ad ſectam domini Regis ſeu alicujus alterius partis & combiñ & confederāt̄ cont̄ dictam dominam Reginam & cunct̄ū populum ſuū, in magnum prejudicium & leſionem totius populi dict̄æ dñæ Reginæ & contra form̄ ſtatuti in hm̄di caſu edit̄ & proviſ.

An Indictment upon the ſtatute of Maintenance, for the maintaing in ſuit in an Action of Formedon en deſcender.

Sect. 313. INquiſ̄ p̄ dñ Regina, q̄ cum in ſtatuto in Parliamento apud Weſtm̄ nuper edit̄ inter cetera continetur, q̄ nulla perſona de regno domiñ Reginæ Angliæ cujuſcunq; ſtatus gradus ſive conditionis fuerit, aliqua querelam in aliqua Curia nec alibi manuteneat, nec ſuſtineat ſup p̄r̄nam impriſonamenti & faciend̄ dominæ reginæ finem & redemptionem ad voluntatem ipſius dñæ Reginæ p̄ put &c. Quidam tamen P.M. de P. in Com' N. Yeoman, ſtatut̄ præd̄ minime ponderans quandam querelam cujuſdam loquelæ quæ E. in Curia dñæ Reginæ nunc Eliz. coram Juſtic' dict̄æ dñæ Reginæ de communi banco Weſtm' per breve ipſius dñæ Reginæ de *Forma donationis en deſcender* inter R. G. petent̄ & N.A. tenent̄ de 5. acris terræ, &c. cum pertiñ in C. pro parte ipſius N. tenend̄ 2. die Aprilis anñ &c. apud N. in Com' præd̄ manutenuit & ſuſtentavit, & adhuc ſuſtentat in dict̄æ dñæ Reginæ nunc contemp̄, ac contra form̄ ſtatuti & contra pacem dict̄æ dñæ Reginæ.

An Indictment of forcible entrie upon the Statute of Anno 8.H.6.

Sect. 314. INquiſ̄ pro domina Regina, Quod cum in ſtatuto in Parliamento domini Hen. 6. nuper Regis Angliæ apud W. Anno regni ſui octavo tenī edit̄ inter cetera continetur. Quod ſi aliqua perſona de aliquibus

bus terris vel tenementis manuforti expulsa sit vel disseisit vel pacifice expellat et postea manuforti extrateneatur vel per aliquod feoffamēt vel discontinuationem inde post talem ingressum ad jus possessor defraudand et tollend aliquo modo fiat, habeat pars in hac parte gravat versus talem disseisitorem Assisam novæ disseisinæ vel breve de transgressione, Et si pars gravat per assisam vel actionem transgressionis recuperet per veredictum vel alio modo p debitam legis formam inveniatur, Qd pars defendens in terris vel tenementis vi ingressa fuit vel ea per vim post ingressum suum tenuit, recuperabit querens dana sua ad triplum versus defendentem. Et ulterius finem et redemptionem ad dominam Reginam faciat prout in statuto plenius apparet: Quidā tamen I.D. de D. in comitatu prædicto Yeoman, & R. S. de eodem Comitatu Yeoman, Statutum prædictum minimè vereñ primo die Maii anno, &c. apud D. prædict' in comitatu prædicto quendam W. S. de uno messuagio sive tenemento cum ptinentiis in D. prædict per mandatum W. Bush manuforti expellaverunt & disseisiverunt ac ipsum sic expulsum et disseisit à prædict primo die Maii usque diem captionis hujus inquisitionis extratenuerunt et adhuc extra tenent, contra pacem dominæ Reginæ coroñ et dignitat suas, et contra form statut in hmdi casu ædit & provisi.

An Indictment for shooting in a hand-gun, against one that may not dispend a hundred pounds per annum.

INquiratur pro domina Regina, quod cum I.R. de W. in Comitatu prædict gener non habens terras tenementa feod vel annuitates ad usum suum proprium annui valoris centum librarum non die Iunii, anno regni Regis Rich. primi apud S. in Com M. sagittavit in quodā torment, voc' a Hand-gun, contra statutum in hujusmodi casu ædit et provisum. Sect. 345.

The Title of the generall Sessions of the Peace in the Countie of Chester.

Sessio pacis generalis dñæ Reginæ tent apud Cestr in comit Cestr, viz. quarto die Maii, anno reg. dñæ El. Dei gratia Angl, Franc', et Hibern Reg' fidei defensor, &c. dec', cora S.H.D.L.S.E. et aliis Iust. pac' in com prædict.

Inquisitio capt ibm per sacram R.M. de, &c. Qui dicunt sup sacr suū p cum in statuto, &c.

The

The traverse of an Indictment of Forcible entrie.

PRo A.B.C. D. E. F. versus dominam reginam in traūs ſuper Indictamenť.

Et prædict' A.B.C.D.& E.F. per I.B. atturnatū ſuum veñ & dicūt, quod dicta domina regina nunc ipſum ſeu aliquem ipſorum actioñ indictamenť prædť gravare ſeu impetere non velit aut debet: Quia proteſtand' ꝙ Indictamenť prædict minus ſufficiens in lege exiſtit ad ponendť ipſos reſpondere, pro placito tamen ſeparatim dicunt qd quoad vi & armis, & quicquid quod eſt contra pacem dictæ dom' reginæ, necnon ad intrationem, diſſeiſinam, expulſionem, extratentionem, & quicquid qd eſt contra formam ſtatuti prædť iidem A. B. C. D. & E. F. dic' quod ipſi in nullo ſunt culpabiles modo & forma prout per indictamēť prædť ſuperius ſupponitur. Et de hoc ponunt ſeparatim ſuper patriam: & R. C. armiger qui pro domina regina hic in hac parte ſequitur, pro ipſa domina regina ſimiliter, &c.

An Indictment for making of falſe gold at Roan in France, and for uttering of it in England.

Sect. 316. INquiratur ꝓ domino rege & domina regina, Quare cum in ſtatuto in Parliamento dictorum domini regis, & dominæ reginæ nuper tenť apud Weſtm' duodecim' die Novembris annis regnorum dicti domini Regis & dominæ reginæ, primo & ſecundo authoritate ejuſdem parliamenti inactitať & inordinať fuit. Quod ſi aliqua perſona ſive aliquæ perſonæ poſt viceſimum diem Januarii extūc proxim' ſequeñ introduceret ſive introducerent à partibus tranſmarinis in hoc regnum Angl vel in aliquod dominium hujus dicti regni Angliæ, aliquas falſas & cōtrafactas cuneas, monetas ſive pecunias de auro aut argento alicuj' alterius regni, non exiſtenť de propriis cuneis, monet ſive pecuniis de hoc regno Angliæ ſcientes prædť cuneas, monet, ſive pecunias, fore falſas & contrafact', Ea intentione ad utterandť ſive ſolvendť prædictas falſas & contrafactas cuneas, monetas, ſive pecunias, infra hoc reg' Angliæ & dominii ejuſdem regni per merchandiſas, vel aliter. Quod tunc talis perſona ſive perſonæ ſic ut predicť offendentes & eorum conciliatores, ꝓcuratores, auxiliatores, & abbetatores in tali caſu, exiſtimati erunt & adjudicabuntur fore offenditores in alta proditione. Et ꝙ prædicta perſona ſive ꝓſonæ offendentes, & poſt eorum legitimam convictionem ſive attincturam ſubibunt tales pœnas mortis & forisfacturas terrarum, bonorum, & catallorum ſuorum, ſicut alii offendentes in caſibus altæ proditionis, ꝓut in eodem ſtatuto ſatis apertè declaratur. Quidam tamen H.S. nuper de Hallifax in com' Eborť Merchant alias dict' H.S. de Hallifax in com' E. Merch' poſt prædť viceſimum diem Januaŕ, & poſt ordinationem ſtatuť prædict viz. undecimo die menſis Novem-

Novembris annis regnorū Philippi & Mariæ Dei gratia Regis & reg. Hiſpaniaꝝ, Franciæ, Angliæ, utriuſque Ceciliæ, Jeruſalem, & Hiberñ, Fidei defenſorum, Archiduc' Auſtriæ, Duc' Burgundiæ, Medowlañ, & Brabanc', Com. Haſpurgii, Flaundꝝ, & Tirolis, 3. & 4. numerum 16. ℔ & 10. s. in 60. & ſex pec' voc' **halfe Soueraignes and Engliſh Crowns**, de ære, cupro, alcameno, & diverſis aliis metallis inſimul mixt̄, falſo & ꝓditorie apud Roane, & Diepe, in partib⁹ tranſmarinis in regno Galliæ, ad ſimilitudinem bonarū dimid' Sufferancearum & coronaꝝ Auri de cunea dictorum domini regis & dominæ reginæ hujus regni Angliæ, per quoſd' falſos ꝓdit' apud Roane & Diepe p̄d' in p̄d' partibus tranſmarinis falſo & ꝓdit' ibid' fabricat' & contrafact' à præd' regno Galliæ uſq; ad hoc regnum Angliæ, & ad Civitatem Norwichiæ introduxit & introduci procuravit: E. p̄d' H. S. p̄d' 60. dimid' ſufferanc' voc' **the halfe Soueraignes**, ac prædict' ſex coronas Anglice voc' **fyre Engliſh Crowns**, modo & forma præd' fore falſas & fabricat' ſecundū form' & ſimilitudinem bonaꝝ dimidiarum ſufferanc' & Coronarum huj⁹ reg. Angliæ affirmans dictas ſufferanc' & Coronas illas fore de bono auro & de habili monet̄ hujus Regni Angl' 5. falſas dimid' ſufferanc' & unā Coronam, voc' **halfe Engliſh Soueraignes, and one Engliſh Crowne**, de præd' 60. & ſex dimid' ſufferanc' & Coronis in forma præd' ex ere cupro alcameno fabricat' & contrafact' Cuid' H. B. hic apud Norwic' in com̄ p̄d' pro uno equo, uno gladio, & uno ſcuto de bonis & catallis præd' H. B. per ipſum H. S. de eodem H. B. adtunc & ibid' empt', ꝓ bona ſolutione falſo fraudul' & proditorie adtunc & ibid' utteravit ſolvit & liberavit, cont' pac' &c. ac contra form' ſtatuti &c.

An Indictment of treſpaſſe for breaking of a cloſe, and deſtroying of Wheate then growing in the ſame.

IVratores preſentant pro domina Regina, quod W. C. nuper de D. in com̄ præd' arm̄ T. B. &c. tertio die &c. vi & armis &c. Clauſum I. N. apud S. in com̄ præd' in quodam campo vocat' &c. fregerunt & intraverunt & tres quaterias frumenti ipſius I. N. ad valenc' trium librar' adtunc & ibidem creſcen̄ cum quibuſdam bigis ſive carucis equis & pedibus ſuis ambulando conculcaverunt & conſumpſerunt, Et alia enormia ei intulerunt, contra pacem dictorum domini Regis & dominæ Reginæ nunc, &c. Sect. 317.

An

An Indictment or Inquisition before the Coroner super visum corporis, *of one who killed one in his owne defence.*

Sect. 318. INquisitio indent̃ capt̃ apud T. in com' Cestriæ, 2. die &c. anno &c. coram I. M. gen̄ 1. Coron̄ dict' dn̄æ reg. in com. pred̄ super visum corporis A. B. nuper &c. adtunc et ibid̄ super terram mortui iacen̄ p̄ sacrament̃ &c. I. H. &c. ac de tribus aliis villat̃ propinquior̄, viz. A.B.C. in Com.præd̄ ad inquirend̄ qualiter et quomod̄ pred̄ A. B. ad mortem suam devenit qui super sacrament̃ suum dicunt: Quod cū ipse A.B. 15. die Octob. anno regni &c. 5. circa horam 7. ante meridiem ejusd̄ diei apud T. pred̄ in com. pred̄, vi & armis con̄ pac' dict̄ dn̄æ reg. in quend̄ R. nuper de T. pred̄ in com' C. pred̄ **Butcher**, adtunc & ibid̄ in pace Dei & dictæ dn̄æ reg. exist' insult̃ fecit & ipsum R. B. cum quod̄ baculo voc' **a Pikeforke**, quem idem A. in manibus suis tenuit, verber̄, ac super brachiū suū graviter percussit, ita ut id̄ R. B. pro ipsius vitæ salvatione à pred̄ A.B. quant̃ potuit, fugit usq; ad magn̄ concavam pipam vocat̃ **hollow stake**, ultra quam ipse R.B. à pref. A. fugere non potuisset. Et sic ipse R. B. seipsum, ac vitam suā defendeñ pred̄ A. B. pred̄ insultū assidue continuand̄ super posteriorē partem capitis ipsius A. dicto 15. die Octobris anno 5. hora & loco sup̄d̄, cū quod' baculo voc' **a browne Bill**, precii &c. quem id̄ R.B. adtunc & ibid̄ in manibus suis tenuit percussit, dans ei plagam mortal̃, tres pollices lonḡ, unum pollicē latam & dimid̄ unius pollicis profund̄: Super quam quid̄ plagā ipse A.B. languid̄ jacebat usq; ad 20. diem Octobris pred̄, in quo quidem 20. die Octobris anno &c. idem A. apud T. præd. in com̄ præd. ex ipsa plaga ei dat̃ modo & form̄ pred. moriebat̃. In cuj° rei testim̄ &c.

An Indictment or Inquisition taken before the Coroner super visū corporis *of one slaine by misfortune, by one as he was shooting at the Buts.*

Sect. 319. INquisitio indent̃ capt̃ apud B. in com̄ &c. die & an̄ &c. coram R.H. armig', 1. Coron̄ dict' dn̄æ reg. in com̄ p̄d̄ sup visū corpor̄ I.C. nup de R. in com. p̄d̄ **Laborer**, adtūc & ibid̄ sup terr̄ mortui iacen̄ per sacrament̃ I. B. senior̄ I. H. &c. ac de tribus aliis villat̃ ppinquor̄, viz. de M.R. & E. in com̄ p̄d̄ ad inquir̄ qualit̃ & quomodo p̄d̄ I.E. ad mort̄ suā devenit: qui sup sacrament̃ suū pred̄ dicunt, q cū quid̄ C. W. nup de Civitate C. in com. civit̃ C. **Shereman**, cum multis aliis 2. die &c. anno &c. 6. sup̄d̄, circa horā 1. post meridiē ejusd̄ 2. diei apud B. pred. in com. C. p̄d̄ in pace dei ac dn̄e reg' exist', ac ibid̄ ad metas Angl̄ voc' **Buts**, sagittan̄ adtunc & ibid̄ venit pred̄ I. E. ad metas p̄d̄, ac dum præ-

prædꝰ C. W. ad ipſas metas inter ſagittandꝫ fuit, ipſe I.E. obiter & improviſo poſuit ſe inter metas præd. ut pred. C. W. ſagittabat ad metas predꝰ cum quadꝫ ſagitta precii &c. dicto ſecundo die Julii, ac hora & loco ſupradictis per infortuniū percuſſit præd. I. E. in gutture dans ei mortal plagam in ꝓfunditate duos pollices. Super quam quidē plagā ipſe I.E. à predꝫ ſecundo die Julii, uſq; ad quintum diem ejuſdem menſis apud R. pred. in comitꝫ Ceſtriæ prædꝫ languidus jacebat, ac in eodem quinto die menſis Julii predꝫ ipſe I. E. apud T. pred. in comꝫ Ceſtrꝫ pred. de predictꝰ plaga modo & forma predꝫ moriebatur, Ac etiam Juratores predꝫ ſuper ſacramentꝫ ſuum pred. dicunt, qd predꝫ C. W. dicto ſecundo die Julii, aut aliquo tempore poſt eundem ſecundꝫ diē menſis Julii non habuit aliqua bona ſeu catalla infra predictꝫ comꝫ Ceſtrꝫ. In cujus rei teſtimꝫ utriſq; partibus hujus inquiſitꝫ tam prædꝫ coronatꝫ quā predꝫ Juꝝ ſigilla ſua poſuerꝫ die & anno primo ſupradꝫ.

An Indictment againſt the husband and his wife for lying in waite, and for the aſſaulting, beating, and wounding of one.

INquiratꝫ pro domino rege & regina, ſi N. B. nuper de T. in comitatꝫ Ceſtriæ **Yeoman**, K. W. uxor ejus &c. 17. die &c. anno &c. apud T. juxta T. in comꝫ predꝫ in quodꝰ loco vocꝰ **le Hall yard**, jacuerunt in inſidiis & adtunc & ibidꝰ inſidiati fuerunt quendam R. H. & in ipſum R. ibidem vi & armis &c. inſultum fecerunt, verberaverꝫ, vulneraverunt & maletractaverunt. Ita quod idem R. languidus exiſtꝰ ac de vita ſua deſperatꝫ, vi & armis, & contra pacem &c. Sect. 320.

An Inquiſition of wilfull murder taken before divers of the Judges & others, as Juſtices of the Peace, for a murther done in Weſtminſter.

INquiſitio captꝫ apud Weſtmꝫ in comꝫ Middꝫ viceſimo tertio die Apr. anno regni Eliz. &c. 16. coram I. Southcot uno Juſticꝰ dictæ dñæ reginæ ad placita coram ipſa regina tenendꝫ aſſignꝫ Rob. Mounſon uno Juſticꝰ ejuſdem dominæ reginæ de banco, Gilb. Gerrardꝫ armigꝰ Atturnato dictæ dominæ reginæ generali, Williꝫ P. & B. R. armigꝰ Juſticꝰ dictꝰ dñæ Reginæ ad pacem in comitꝫ predicto conſervandꝫ, necnon ad diverſas felonias, tranſgꝝ, & alia malefactꝫ in eodem comitatꝫ perpetratꝫ audiendꝰ & terminandꝰ aſſignatꝫ per ſacramentum 12. Juꝝ extitit præſentatꝫ, qd R. S. nuper de civitatꝫ Weſtmonaſterꝫ in comꝫ Middꝰ, & I. T. nuper de civitatꝫ W. pred. in com. pred. **yeoman**, 20. die M. anno reg. Eli. &c. 16. vi & armis viz. gladiis, baculis, &c. circa horam ſextꝫ poſt meridꝰ ejuſdꝰ diei ex malitia ſua ꝓcogitꝫ apud civitꝫ W. pred. in comꝫ ꝓdꝰ in quēdꝰ W. R. I. in pace dei & dictꝫ dñæ reg. adtūc & ibidꝰ exiſtꝰ inſultꝫ fecerꝫ Sect. 321.

feceꝝ & prædꝫ R.S. cum uno gladio quẽ ipſe pꝺ adtunc & ibid in manu ſua dextra habuit & tenuit prædꝫ W.R.I. ſup dextrum brachium ipſius W. adtunc & ibiꝺ felonice percuſſit & dedit ei adtunc & ibiꝺ unam plagam mortaľ profunditatis quatuor pollicium & latitudinis unius pollicis, de qua quidẽ plaga mortali prædict' W.R.I. apud Civitatẽ W. prædꝫ in comꝫ prædꝫ die & annꝫ ſupradict. inſtanter obiit. Et qd prædict' I.T. prædꝫ 19. die Martii, ann' 16. ſupradicto apud Weſt. prædꝫ in com' prædꝫ felonicè fuit præſens, ꝓcurans, abbettans, cõfortans & auxilians præfaťꝫ R.S. ad feloniam & murdrꝫ prædictꝫ in forma ꝓdict' faciendꝫ & ꝓpetrandꝫ, contra pac' dictæ dñæ Regnæ nunc. Et ſic prædict' R.S. & I.T. die, anno, loco, & com. prædict' ꝓf. W.R. I. ex malitiis ſuis præcogit felonicè & voluntarie interfecerunt & murdraveꝝ, conꝫ pac' dictæ dñæ Reg. nunc, Coron' & dignitaꝫ ſuas.

An Indictment of Manſlaughter againſt many, ſome for ſtriking of the partie ſlaine, and ſome others for comfortiug and ayding of them being preſent, and ſome as acceſſaries after the fact committed, and that divers of them fled.

Sect. 322. INquiſitio capť apud Ceſtꝝ infra Wardam Caſtri domini Regis ibiꝺ die Veneris ꝓxim' poſt feſtum Apoſtolorum Simonis & Iude, anno regni Regis Rich. tertii poſt conqueſtum Angliæ ſecundo, coram T.H. & I.I. Coroñ dicti domini Reg. Hunꝺ de B. in com' Ceſtriæ ſuper viſum corpoꝝ I.C. feloñ interfecti per ſacramentum &c. Qui dicunt ſup ſacramenť ſuum, qd T.VV. nuper de M. in comꝫ Ceſtꝝ ꝑ yeoman, R.B. nup de M. in com' Ceſtꝝ armig', N.B. nuper de M. & alii &c. die Sabbati ꝓxim' feſtum Exaltationis ſancti Crucis, Anno regni Regis R. 3. poſt conqueſtum Angliæ ſecundo, apud H. in com. Ceſtꝝ in inſidiis jacuerũt pro dicto I.C. ad ipſum verberandꝫ, vulnerandꝫ, & feloñ interficiendꝫ vi & armis, & contra pacem domini Regis: Et dicto die Sabbati, & anno prædꝫ apud H. prædꝫ in ipſum I.C. inſulť feceꝝ: Et prædꝫ T.W. die Sab' & annꝫ prædꝫ apud H. prædꝫ feloñ ꝑcuſſit prædꝫ I.C. ſuper caput ſuum uſq; ad cerebrum cum quodã gladio precii &c. & dedit ei plagã mortaľ unde obiit die Veneris ꝓx' poſt feſtũ ſancti Mich. Arch. tunc ꝓx' ſequen' apud Ceſtr' prædict, infra wardꝫ Caſtri domin' Regis ibiꝺ. Et ſic prædꝫ. T.W. ipſum I.C. dict' die Sabbati & anno apud H. prædict' feloñ interfecit: Et qd prædict' R.B. eiſdem die & anno apud H. feloñ percuſſit prædict' I.C. ſuper tibiam ſuam dextram cum quodam gladio precii &c. & dedit ei plagam mortaľ unde obire debuiſſet ſi non obiiſſet de ictu quam prædict' T. VV. ei prius dedit. Et ſic prædictus R.B. ipſum I.C. dicto die Sabbati, & anno apud H. predict' felonicè interfecit. Et quod prædict' N.B. I.H. I.M. & R.C. dicto die Sabbati &

Anno

Añ apud H. pred̄ fel̄ fuer̄, presen̄t, auxiliantes, confortantes, et abbettantes pred̄ T. W. ad fel̄ pred̄, in form̄ pred̄ fac' vi et armis, & cont̄ pac' dict̄ dñi regis. Et ꝙ pred̄ R. B. N.B. I.H. I.M. & R. C. eisd̄ die Sabbati & añ apud H. pred̄ felon̄ fuer̄ presen̄t, auxiliantes, abbettantes et confortantes, pred̄ T. W. ad felon̄ pred̄ in form̄ pred̄ faciend̄ vi et armis et cont̄ pacem dicti dñi reg. &c. Et ꝙ I. B. nuper de M. in com̄ Ceſt̄ gen̄ frater R. B. mil̄ jam defuncti T. B. nuper de M. in com̄ Ceſt̄r gen̄ frat̄ pred̄ I. H. B. nuper de M. in com̄ Ceſt̄r ſen̄ gen̄ frat̄ p̄d̄ T. W. B. nup de M. in com̄ Ceſt̄r gen̄ filio p̄d̄ R. B. mil̄ jam defunct̄, &c. eisd̄ die Sabb' et añ apud M. pred̄ in com̄ Ceſt' fel̄ fuer̄ vi, auxil̄, conſilio, et abettam̄ pred̄ T. W. et R. B. ad fel̄ pred̄ in form̄ p̄d̄ faciend̄ vi et armis, et cont̄ pac' dict̄ dñi regis. Et ꝙ W. E. nuper de E. in com̄ Ceſt̄r gen̄ R. H. nuper de M. in com̄ Ceſt̄r Yeoman, I. H. nup de ead in com̄ pred̄ Yeoman, &c. die lunæ prox' poſt feſtum S. Michael̄ Arch. añ reg. Reg. R. 3. poſt conqueſtum Angl̄ ſecundo apud M. in com̄ pred̄ fel̄ aſſiſtaver̄, receptaver̄, & confortaver̄, pred̄ I. W. & R. B. arm̄, ſcientes ipſum T. & R. felon̄ pred̄ in form̄ pred̄ felon̄ feciſſe vi et armis, et contra pac̄ domini Regis. Item dicunt Iuratores pred̄, ꝙ pred̄ T. W. R. B. N.B. I.H. &c. poſt fel̄ pred̄ fact̄ die Mecur̄ p̄x' poſt feſtum Michael̄ Archang. añ ſuprad̄ reg. pred̄ fugerunt, & ſe eadem felon̄ pred̄ retraxerunt à com̄ Ceſt̄r uſq; villā de Whitchurch, in com̄ Salop. felon̄ vi et armis, et contra pac' dom̄ regis. In cujus rei teſtim̄. &c.

An Indictment for keeping a bawdy houſe, and uſing of unlawfull games.

IVr̄ preſen̄t ꝙ N.W. de A. et I. Taillor, et E. uxor ejus &c. ſunt commun̄ lupinar̄ et diverſ. diebus et vicibus ante diem hujus inquiſic. in domib' ſuis ſcituat̄ &c. manuten̄ hoſpic' lupanar̄, necnon diverſ. p̄ſon̄ ſuſpect' ibid̄ ludentes ad luda illicit̄, viz. tables, cards, &c. tam in die q̄ in nocte, poſt horas debitas ei legit̄ ad gravam̄ inhabitantū ibid̄ ac malum exemplum omniū aliorū ligeorū dom̄ regis, &c. Sect. 323.

An Indictment for keeping of evill rule.

IVrat̄ preſen̄t, ꝙ W. H. de ꝑochia S. Clement̄ in com̄ Midd̄ & Maria uxor ejus die &c. añ, &c. ac diverſ. dieb' antea et poſtea hucuſq; cuſtodierunt et adhuc cuſtod̄ lupanar̄, luxuriā, et fornicar̄, ꝑ omnib' homiñ et mulierib' ad talia nefāda opera diſpoſit̄, ac cuſtod̄ communem dicing and carding, &c. et alia illicita ad gravam̄ omniū viciñ ibid̄ inhabit̄, et in mal̄ exemp' alior̄ ligeor̄, &c. cont̄ pac', &c. Sect. 324.

An Indictment for keeping of a bawdy house.

Sect. 325. IVrat̃ preſenẽt q R. M. de, &c. in coñ,&c. W.H.de &c.die et añ, &c. ac diverſis temporibus antea et poſtea apud,&c.tenẽt,cuſtodiunt,occupant et frequenẽt in manſionibus ſuis ibid̃ communia hoſpitia lupañ, luxur̃, & forñ, & permittunt tam ſeculares q regul̃ & laicos hoẽs & alias perſonas ſuſpectas non bonæ geſtus nec famæ cum meretricib⁹ carnaliter concũbere ad magnũ nocumentum toti⁹ populi doñ Reg. ibid̃ ꝓpe commorantiũ et malum exemplũ omniũ aliorũ in tali caſu delinquenẽ niſi citi⁹ in hac parte debit̃ ꝓvideat̃ remediũ ac conẽ pacẽ, &c.

An Indictment for ſlandering of a Iurie.

Sect. 326. IVr̃ dant curiã intelligi. Qd cum ipſi tali die et añ apud &c.cunct' fuerant ad inquirẽd̃ in et interloquend̃ de diverſis articulis & offenſ. ſup eor̃ ſacrañ ꝓ dict' doñ reg.ibi die & añ ſuprad̃ venit quidã T. B.de S. in coñ pred̃ ut barrector & pacis doñ reg. perturbator, & p̃d Iuratores vili pendit et ſcandalizavit dicend̃ ſic in Angl̃ verbis, **Fie on**

The words. **you falſe harlots, pampered knaues and perjured knaues,** ac alia minatoria & contumel̃ verba eiſd̃ Iur̃ dixit in magñ redarguatioñ & vilipend̃ Iur̃ p̃d̃ ac retard̃ exec' eor̃ juramenẽ,& conẽ pac',&c.

An Indictment againſt a mans wife as a common Barretor and ſower of diſſention among her neighbours, and a common Scold.

Sect. 327. IVrat̃ preſenẽ,ꝙ A.E.uxor,&c.de,&c in coñ,&c. non eſt bonæ famæ nec converſac' honeſtæ, ſed male diſpoſitioñ barrectator & pac' dñi Regis perturbator : Ita ꝙ veriſimile eſt facere murd̃, homicid̃, lites, & diſcord̃ ac alia damna & gravamina inter ligeos doñ reg. ibid̃ p̃text̃ premiſ.& eſt communẽ objurgat̃ & blaſphem̃ vicinor̃ ſuor̃,& mag' ſcãdala eis ibid̃ imponit, ad magñ ſcandala eis ibid̃ imponit, ad magñ nocumenẽ omn' inhabit̃ villæ pred̃, & pernicioſum exemplum omnium alior̃ in tali ſtatu delinquenẽ, & conẽ pacem,&c.

An Indictment for a Rape committed by a Miniſter upon a maide of fourteene yeares old.

Sect. 328. IVrat̃ preſenẽ,ꝙ T.Thorneton de &c.in coñ,&c. Clericus, die & añi &c. vi et armis,viz.gladiis,baculis,&c. in I.F ad tunc ætatis 14. añi apud,&c. inſultum fecit & corpus & ventrem p̃d̃ Io. adtunc & ibidem manib⁹ ſuis feloñ vulneravit,fregit & laceravit,necnon eandem Io.cõ volũt' ipſius Io. adtunc & ibid̃ carnaliẽ cognovit, & feloñ rapuit conẽ pacem,&c.

An

An Indictment againſt foreſtallers of the markets within the Verge.

IVrat preſentñ, qd I.R. de &c. et R.S. &c. à die et anno &c. uſq; diem captionis hujus Inquiſitionis apud C. in com̃ præd. infra virgam, ſingulare cõmodũ ſuum et non utilitatem reipub. indebite affectantes, blada, grana, et alia victualia quæ uſq; civitat̃ London et villæ Weſtm̃ pred. in com̃ præd. p ſuſtentatioñ populi dict' dñi regis ibid. venerẽ et venire debuiſſent per tempus pred. forſtallaverunt et regrataverẽ et in dies forſtallẽ et regratare non deſiſtunt, p qd blada grana et alia victualia multo majoris carioris et altioris precii efficiuntur quam deberẽ ſi forſtallatores et regratores hm̃di non fuiſſent, in dict' dñi Reg. nunc contemptum et ligeorum ſuorum maxime diſpend' et gravamen, ac contẽ form' diverſor̃ ſtat̃ in hac parte æditẽ, ac contẽ pac' &c. Sect. 329.

An Indictment againſt a Gaoler for enlarging of one committed to priſon, within the Verge upon ſuſpition of felony without warrant.

IVm̃ preſentñ, q W.H. de &c. die et añ &c. apud S. præd', in com' pred. infra virgam cepit et arreſtavit quend' R. E. nup de &c. p ſuſpectione feloñ et ipſum R. adtunc et ibid' in priſona dñi Reg. ſub cuſtod' ſua pro feloñ præd. per ſpacium unius horæ detinuit: Et poſtea die et añ ſuprad. præd. W.H. præd. R.F. apud S. præd. in com' præd. infra virgam feloñ, voluntat̃ et volenter ad largum ſuum ire p̃miſit, contẽ pac' &c. Sect. 330.

An Indictment againſt a mans wife, for ſtealing xx.s. in money,

IVrat̃ p̃ſẽtñ, qd I.W. uxor &c. de &c. alias dict̃ I. W. de E. pred. in com' præd' **Spinſter**, die et añ &c. vi et arm' &c. xx.s. in pecun' numerat̃ de bonis et denariis I. B. apud E. pred. in com' predict̃ adtunc et ibid. invent̃ felon' furat̃ fuit cepit, et aſportavit, contẽ pacem, &c. Sect. 331.

And Indictment againſt a wife for ſtealing 60. li. in money, and againſt another as acceſſarie.

IVm̃ preſent', qd Io. W. uxor̃ &c. alias dict' Io. W. de F. pred. in com. pred. **Spinſter**, die ann' &c. lx.l̃ in pecuniis numerat' de bonis et denariis I.E. præd. in præd. camer̃ adtunc et ibid. invent' felon' furat' et aſportavit contra pacem &c. Et qd W.W. nuper de E. in com. pred. **Butcher**, ſciens pref. Io. W. felon' pred. in form' pred. feciſſe eandem Io. dictis die, ann' et loco felon' conſortavit, auxiliavit et receptavit, contr̃ pacem dict' dom' regis, &c. Sect. 332. Acceſſorie.

An Indictment for ſtealing of three mens coats.

Sect. 333. IVr̄ p̄ſenť, qd T.S. et W.H. de &c. in com̄ &c. die, Anno &c. vi et armis, &c. tres tunicas viriles de panno laneo coloris Tawney, ad valenc' &c. de bonis et catallis cujuſd̄ hōis ignoti apud H. in com̄ Midd̄ adtunc et ibid. felon̄ furat̄ fuit, cepit et aſportavit contr̄ pac' &c.

An Indictment againſt an Hereticke, for uſing of words.

Sect. 334. IVr̄ præſenť, quod T. M. de &c. eſt homo diabolicus et cōmun̄ hæreticus fidem Catholicam et obſervantiam ejuſd̄ magnopere machinans et contemnēs. Et qd ipſe tali die et anno &c. apud p̄d̄ paroch' in p̄ſentia diverſor̄ ſubditor̄, ac ligeor̄, dicti domini Regis hæc verba ſcandaloſa et hæreticalia dixit, retulit et ꝓpalavit: **Chriſt neuer died nor ſhed his blod for vs, but onely for them that were in** Limbo patrum, **and as for Images in the Church, they be but Idols:** cum multis aliis verb' ſcandaloſis & hereticalib⁹ in cōtēpt fidei Catholor̄ ac in ꝑnicioſum exemplum aliorum ligeorum dict̄ dn̄i reg. ac contra pacem, &c.

An Indictment for breaking of a houſe, and taking out of a Cheſt in the houſe ſeven pounds in money.

Sect. 335. IVr̄ preſenť, qd R.T. de &c. et I.C. de &c. tali die et an̄ vi et armis, &c. domum T.P. apud præd. villā in com. præd. fregeř et ſeptem libr̄ in pecun̄ numeratis de bonis et denariis prædict̄ T. in ciſta præd̄ exiſt' adtunc et ibid̄ extra ciſtā præd̄ felon̄ fuerat̄ fuerunt, cepeř, et aſporti contr̄ pacem dict̄ dn̄i regis &c.

An Indictment for a maime in both the hands.

Sect. 336. IVr̄ p̄ſenť, Qd cum H.P. de &c. tali die et an̄ apud C. præd. in quodam loco voc' E. fuit in pace Dei et dicti dn̄i reg. dict̄. die et an̄ apud C. predč in præd̄ loco voc' E. venerunt A. B. C. D. et E. F. et in dict̄ H.P. ibid̄ inſultū, ut felon̄ dict̄ dn̄i Reg. inſidiand̄ et ex inſultu p̄medit̄ ꝑ mandat̄ et procurationem P.P. de &c. fecerunt: Et præd' A. B. cum quodā baculo ad valenc' &c. quē ipſe in manib⁹ ſuis adtunc et ibid̄ tenuit p̄d̄ H.P. ſuꝑ dextrā manū ſuā adtūc et ibid̄ felon̄ percuſſit et ipſū H.P. adtunc et ibid. vulneř et felon̄ mahemavit ſic qd venæ et nervi ejuſd̄ dextræ manus retract̄ et mortificat̄ deveneř, ꝑ qd p̄d. H.P. auxilium et potentiā dextr̄ manus præd. totaliť amiſit. Et præd. C. D. cū uno alio baculo ad valenc' &c. q̄ ipſe in manib⁹ ſuis adtunc et ibid. tenuit præd. H.P. ſuꝑ ſiniſtr̄ manū adtunc et ibid. felon̄ ꝑcuſſit et ipſum H. adtunc et ibid. verberě, vulneř, et felon̄ mahemavit ſic qd venæ et nervi ejuſdem manus ſiniſtræ retract' et mortificat̄ deveneř, ꝑ qd idē H.P. vim, auxilium et potentiam ejuſd̄ ſiniſtr̄ manus totaliter amiſit contr̄ pac', &c.

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An Indictment upon the ſtatute of Anno 5. R. 2.

IVrat̃ p̃ſent̃, qd cum in ſtat̃ in Parliam̃ dñi Regis Rich. nuper Regis Angl̃ ſecundi apud Weſtm̃ Anñ regñ ſui quinto tent̃ ædit̃ inter alia ordinat̃ ſit, Quod nullus faciat ingreſſum in aliquibus terr̃ ſive ten̄tis niſi in caſu ubi ingreſſus ei datur per legem, et in illo caſu non manuforť nec multitudine gentiū ſed licito et quieto modo tantū. Et ſi quis in cōtrarium fecerit et inde debito modo convict̃ fuerit p̃ impriſonam̃t̃ corporis ſui puniatur, et ad voluntat̃ domini Regis redimat̃ ꝓut in eodem ſtat̃ plenius continetur. Quidam tamen I.S. de &c. ſtatutū p̃d̃ minime ponderans nec pœnā in eodem content̃, die &c. Anñ &c. in quodā ten̄t̃ cum p̃tiñ et quatuor ac̃ terr̃ cujuſd̃ I. B. apud H. p̃d̃ in com̃ p̃d̃ in quo eidem Iohanni ingreſſus non datur per legem ibid̃ ingreſſus fuit, in di-ſti dñi reg. contemptum, Ac contra form̃ ſtat̃ pred̃. Sect. 337.

An Information wherein the partie deſireth the good abearing againſt one.

DAt̃ eſt curiæ intelligi p̃ relationē et teſtimoñ I.P. T.I. et alior̃ qd R.M. de S. in com̃, &c. eſt communis Barrectator et pacis dñi reg' perturbator vocand̃ viciū ſuos **Theeues, knaues**, et alia hm̃di ignominia, necnon communis furator boſci. Ita qd veriſimile eſt murdrū, homicid̃ lites et diſcord̃ inter vicinos ibid̃ in dies oriri niſi citius provideatur inde remedium ad motionē omnium inhabitant̃ in villa pred̃ ac in malum exemplum omnium aliorum ligeorum dñi Regis. Sect. 338.

An Indictment againſt one for keeping of vagabonds, whores, and idle and ſuſpected perſons, and evill rule in his houſe.

IVrator̃ p̃ſent̃, quod T.E. de &c. in domo ſua continue recipit hoſpit̃ et ſupportat vagabond̃ meretrices et alios diverſos hoēs ocioſos ſuſpect̃ et malæ conver̃. Et continue cuſtod̃ malam regulam et guberñ in domo ſua ad grave nocument̃ et perturbat̃ omnium vicinor̃ ſuor̃, ac contra form̃ diverſorū ſtat̃, &c. ac contra pacem, &c. Sect. 339.

An Indictment for breaking of a cloſe, and driving away of Cattell out of the Cloſe.

IVrator̃ preſent̃, qd T.S. de &c. die et anñ &c. vi et armis, &c. clauſum I.D. apud A. p̃d̃ fregerunt et intraverunt et averia ipſius I. D. adtunc et ibid' depaſcat̃ ceperunt et abinde fugaverunt contr̃ pacem, &c. Sect. 340.

An Indictment for Treſpaſſe for breaking of a cloſe, and eating of the graſſe with cattell.

INquiratur, &c. ſi A.B. et C.D. de &c. die et Anno, &c. vi et armis &c. clauſum E. F. apud W. prædict̃ in comit̃ predict̃ fregerunt

& intraver̄ et herbam ſuam adtunc et ibidem cum quibuſdam averiis ſuis, viz. equis, vaccis et bobus depaſcat̄ fuer̄ conculcaver̄ et cõſumpſerunt contra pacem, &c.

An Indictment for breaking into a Cloſe, and treading downe the graſſe.

Sect. 341. INquiratur &c. ſi A.B. de &c. die et ann̄ &c. vi et arm̄ &c clauſum D.E. apud C. p̄d in com̄ p̄d fregit et intravit et herbā ſuam ibid̄ ad valēc', &c pedibus ambulan̄ conculcavit et conſumpſit. Et alia enormia &c. ad grave damnum, &c. ac contra pacem, &c.

An Indictment for breaking of a cloſe, and cutting downe of trees and underwoods.

Sect. 342. IVrat̄ preſentant, qd A.B. nuper de C. in com̄ &c. die et ann̄, &c. vi et armis &c. clauſum D.E. apud C. p̄d in ceñ p̄d fregit et intravit, et arbores et ſuboſcos ſuos ad valenc' &c. ibid̄ nuper creſceñ ſuccidit et aſportavit ad grave damnum &c. et contra pacem dicti dñi Regis, &c.

An Indictment for taking of a Cade of ſprats by extortion, without any warrant or cauſe ſo to doe.

Sect. 343. INquiratur &c. ſi W.B. de &c. tali die et añ apud S. p̄d in contemptū dñi Reg. et p extorcioñ arreſtavit et abduxit bona et catall̄ cujuſdā T.H. viz. quandā cadam, voc' **a cade of ſprats**, ad valen' &c. de bonis et catall̄ ipſius T. apud S. p̄d ad tunc et ibidem inven̄ abſq; war̄ ſeu cauſa rationabili cepit et aſportavit in centemp̄t dicti dñi Regis, ac contr̄ form̄ ſtat̄, &c.

An Indictment for not repairing the pavement of a high way, which ought to be repaired by a Biſhop.

Sect. 344. IVrator̄ preſenť, qd pars regiæ viæ apud S. in com̄ p̄d in quantitate viginti pedum jaceñ et exiſteñ ex oppoſito certis terris ſive tñtis dom̄ Epiſcopi Ceſtr̄ ibid̄ eſt ruinoſa p defect' reparationis paviam̄t ibid̄ ad grave et cõmun̄ nocument̄ populi dñi reg. Et qd p̄d Epus debet facere et reparar̄ pred̄ paviam̄t ex ſuis ppriis expenſ. et juxt̄ form̄ ſtat̄, &c.

An Indictment againſt the Prior of Saint Iohns Ieruſalem and the Maſter of the Savoy, for ſtopping of a common Sewer.

Sect. 345. IVrator̄ preſentant, p dño Rege qd Prior hoſpitalis S. Iohannis Ieruſalem, et magiſter hoſpitalis de Savoy, obſtupant et quilibet eor̄ obſtupat curſum aquæ **de le common Sewer** apud S. pred̄ in com̄ p̄d qd debet et à tēpore quo nō extat memoria conſuevit habere curſum et recurſum ſuū à ter̄ pred̄ Prioris uſq; ad ter̄ p̄d magiſtri hoſpitalis de Savoy pred̄ et ab inde uſq; ad Thameſin. Ita qd p defectu hm̄di curſus aque ibid̄ non poteſt fluere neq; refluere ſed in tēpore pluviali pred̄ regiam

giam viam ſæpe ſuperfluit ꝑ defectu mundationis ejuſdem, ad grave et commune nocumentum populi domini Regis,&c.

An Indictment againſt a Biſhop and Churchwardens, for not repairing of a ruinous and broken bridge.

IVrat̃ preſentant,&c. qd communis pons apud Strond' &c. adeo ruinoſus et confractus exiſtit ꝑ defectu reparationis ejuſdem pontis qd homines per p̃d' pontem itinerantes abſq; magno periculo non poſſunt itinerare ad grave et commune nocum̃ t̃ populi dñi reg'. Et qd d'ꝰ Epus Ceſtr̃ et gardiani eccleſiæ ꝑochialis beatæ Mariæ virg' de S pred' pro tempore exiſtentes debent reparare,ſuſtentare et manutenere, et quilibet eor̃ ꝑ pte ſua debet reparare,ſuſtentare, et manutenere p̃d' pontem ex ſuis ꝑpriis cuſtagiis, et expenſ. viz. pred' Epus ex parte occidentali ejuſdem pontis et pref. gardiani ex parte orientali. Sect.346.

An Indictment for ſtopping and encloſing the Kings high way with hedge and ditch.

IVrator̃ p̃ſent̃,qd A.B.de &c.6.die Aprilis &c.vi et armis,&c.regiam viã apud &c.tam foſſat̃ quã ſæpi injuſte obſtupavit et incluſit. Quæ quidẽ via jacet in vico voc' &c.et extẽdit ſe uſq; regiã viã apud hoſpitalem S.Cornelii, ita qd hoĩes neq; pedeſtres, neq; equeſtr̃ ꝑ p̃d' viã pertranſire poſſint. Et qd pred' via debet et à tẽpore quo non extat memoria ſolebat eſſe communis via quouſq; A. B. illã in form̃ p̃d' feciſſet conꝰ pacẽ &c. ad grave damn̄ et cõmun̄ nocum̃t ligeor̃ dicti dñi reg. Sect.347.

An Indictment for killing of one in his owne defence taken ſuper viſum corporis.

INquiſitio capt̃ apud D.in com̃ pred' die et ann̄ &c.corã R. T. uno coronat̃ dicti dñi Reg.in com̃ pred' de et ſuper viſum corporis A.B. de C.in com̃ pred' ꝑ coman,ibid. jacen̄ interfecti ac mortui,ejuſd' A.B.ꝑ ſacram̃t xii. Qui dicunt ſup ſacrament̃ ſuũ qd ubi quidam I.G. nup de &c. in com̃ p̃d' Husband. fuit in pace dei et dicti dñi reg. nunc apud C. pred' 4.die Maii,Ann̄ &c.circa horam quartam poſt meridiẽ ejuſd' diei venit pred' A.B. ex malitia ſua ꝓcognita et in ipſũ I. G. adtunc et ibid. inſultũ fecit et ipſum ibid' verberaſſe et interfeciſſe voluit contin̄ inſultum illum à domo cujuſdã T. B. in C. pred' uſq; quendã locum voc' &c.in pred'. Et idẽ I.G.videns ipſum A.B.tã malitioſe diſpoſit fugit uſq; quẽd' murũ in dict̃ loco voc' B. quẽ murũ ob metum mortis ſuæ evad' nõ potuit,ſicq; idẽ I.G.in ſalut̃ vitæ ejus erga pref. A. B. remanebat ad Sect.348.

ſe defend' erga ipſum A. B. & cum quodam cultello voc' a woodknife, precii &c. qd tunc tenuit in manib' ſuis in defenſa ſua eundem A.B. ſuper ſiniſtram partem capitis ſui percuſſit, dando eidē A. B. tunc et ibidem quendā ictum unde idem A.B. languebat uſque horam decimā in nocte pred' diei, qua nocte idem A.B. obiit. Et ſic idem I.G. iplū A.B. adtunc et ibid' ſe defendend' interfecit. In cujus rei teſtim', &c.

An Inquiſition taken before a Coroner of the death of a man which was ſlaine by one Se defendendo.

Sect. 349. DIcunt ſuper ſacram' ſuum, qd accidit die, anno et hora infraſcript' apud Weſtm' infra contēt', q̄ contentio exorta fuit inter infranominat' &c. verbis contumelioſis & opprobriis ex parte ipſi' W. motis: Ita qd idem W. vi et arm' in pred' W.R. tunc ibid' inſultū fecit, et ipſum ibid' verberavit, vulneravit et ipſum interfeciſſe voluit, ſup quo idē W. R. ab ipſo W. in quantū potuit ſe extraxit et uſq; quandā ſepē ex pte boreali cujuſdam cāpi ibid' fugit, ultra quā nullo modo evadere potuit, et ex ea cauſa idem W. R. ulterius non potuit fugere abſq; periculo mortis. Et pred' R. W. eūd' W. R. velociter & furioſe inſequut' fuit ad ipſum interficiend' inſulē pred' malitioſe continuand'. Sup quo idē W. R. p̄cipiens ſe nullo modo vivū inde evadere poſſe niſi ſe melius defēd' ad pred' R.W. ſe revertebat, & eund' R.W. cū baculo infraſcr' ſuper caput ſuum percuſſit & dedit ei plag' infraſcr' ſeipſum R. W. legitime defendend', unde idem R.W. inſtanter obiit. Et ſic idē Iurator' dicunt qd pred' W.R. non interfecit p̄d' R. W. felon' nec ex malitia p̄cogitat' ſed ſeipſum defendend' ut ipſe qui mortem ſuam p̄priam alias evadere nō potuit. Et qd idem W.R. nulla habet bona nec catalla.

An Indictment for a riotous reſcous of cattell, taken dammage feaſant.

Sect. 350. IVratores preſentant qd cum R.B. tali die et anno &c. legitime fuit poſſeſſionat' de et in manēr de H. cum pertin' in W. in com', &c. idē R eiſdem die et anno apud W. pred' in com' pred' inven' quād' averia viz. &c. in quodam campo continēn' per eſtimationem 20. acras paſturæ, parcell' manerii de C. in com' pred' ibidem damnum facientes quæ quidem averia ſic tunc & ibidem damnū facientes I.R. et quidem T. die & anno ſupradict' nomine diſtrictionis ad tunc & ibidem ceperunt et uſq; S. in com' pred' fugaverunt, ubi ſecundū legem & conſuetudinem regni Angliæ in quodam parco ibid' imparcare voluiſſent. Quidam tamen T.B. nuper de W. &c. T.C. &c. aggregatis eis ſibi quāplurib' aliis malefactoribus ignotis pacis dei et dñi reg. perturbator' ad

ad manerī &c. modo guerrino arraiat vi et armis &c. die et anñ ſuprad apud S. pred in pd, I.R. et T. route et riotoſe ceperunt & recuſſerunt, conī formñ diverſ. ſtat in hmñdi caſu nup edit & pviſ. ac contra pacē &c.

An Indictment for maintenance in the Common pleas.

IVratoř preſenī, Quod cum in ſtat in Parliamento dñi Ed. nuper regis Angliæ tertii apud Weſtmoñ, anñ regni ſui viceſimo tenī edit inter cetera continetur, qd nulla perſona regni Angl cujuſcunq; ſtatus gradus ſeu conditionis fuerit aliquam querelam in patria nec in cuř dñi reg. manuteneat ſeu ſuſtineat ſub pœna impriſoñt & faciend dicto dño regi finem & redemptionē ad volunt dicī dñi regis quilibet juxta ſtatum, gradum, et demerita ſua, put in eodē ſtat plenius apparet. Quidam tamen T. D. nup de &c. ſtat pred aut pœnam in eodem contenī minime ponderans, die et anñ &c. quandā querelam loquelæ quæ eſt in curia dicti dñi regis ad placita p billam inter quendā M.E. vid et I.F. ſubvic' et T.P. vic' Midd ad quandam tranſgř eid M.E. pref. I. illat ut dicitur p parte pred M. in curia dicī dñi regis manuteñ et ſuſtentavit et adhuc manutenet et ſuſtentat in dictæ dñæ Reg. nunc contempt et populi ſui grave damnum, ac contra formam ſtatuti et ordinationis pred. Sect. 351.

An Indictment againſt divers, for uſing a priſoner in priſon for ſuſpition of felony very hardly, thereby to compell him to accuſe one of felony falſly.

INquirat pro dño rege ſi I. O. de I. in comitatu &c. W.W. de eiſdem villa et conī **Merchant**, ballivi dñi regis villæ pred R.P. de &. cuſt' gaolæ dñi reg. villæ præd, et I.H. de &c. ſerviens ad clavem infra burgum ſive libertatem villæ pred, die et Anno &c. apud I. pred in conī pred vi et armis &c. quendam W.T. priſonarum in priſona gaolæ pred p ſuſpitione feloñ detenī receperunt ea intentione qd ipſi bona et catalla diverſoř ligeorum dñi regis falſiter et extorſive & injuſte acquiſit eundem W. quibuſdam funis et cordulis p pedes de terī levaverunt & ſeorſum per pedes, ſcz. pedib' ſeorſum et capite deorſum, pependerūt, et ipſum p talem duritiam et pœnam ad accuſand quendā T. B. ligeū dñi regis de eo qd ipſe feloñ furat fuiſſet viginti libř ſterlingoř et tres annulos aureos ad valenc' xx. s. de bonis et catallis A. C. adtunc et ibidem felonice arctaverunt et compulerunt, contra pacem domini reg. pred, &c. Sect. 352.

An

An Indictment againſt one, for procuring one to commit a Burglary and robberie in a houſe.

Sect. 253. IVratoꝝ preſenꝫ, Quod I. W. nuper de L. clericus, alias dict &c. tali die & annō &c. apud paroch' M. magna infra ſanctuarium ibid in warda de A. London, malicioſe et felonice abbettavit et ꝓcuravit P. W. de &c. ad felonic' frangendꝫ et intrandꝫ in domum W. Prioris hoſpitalis ſancti Iohānis Ieruſalem in Anglia apud Sancꝫ Iohns Clerkenwel in predꝫ coīn Middꝫ infra pred' hoſpitalem pred' Prioris ibid', et ibidem feloñ ſurand' capiend' et aſportand' unum Ciphum argenteum et deauratꝫ vocatꝫ a Goblet, prioris ad valenc' &c. et unam ollam argeñ parcellꝫ deaureatꝫ ejuſdem Prioris ad valenc', &c. et alia bona pred' Prioris ibidem exiſteñ. Quarum quidem abbettationis et procurationis prætextu pred' R. die &c. vi et armis &c. domum et manſionem dicti Prioris apud &c. infra hoſpitalꝫ pred' in comiꝫ, &c. circa horam ſecundam in aurora et ante meridiem ejuſd' diei burglariter et feloñ fregit, & pred' Ciphum de argenꝫ deauratꝫ vocatꝫ a Goblet, ad valenc' C. s. et ꝑd. ollam argenꝫ parcellꝫ deauratꝫ ad valenc' x. ſ ac alia bona ejuſd' Prioris, viz. duo Saltſeria de argenꝫ et deauratꝫ ad valenc', &c. de bonis et catall dict' Prioris adtunc et ibidem inventꝫ felonice furatꝫ fuit, cepit et aſportavit, contra pacem, &c.

An Indictment for murder and felony committed within the Verge by one and his ſervant, upon a Serjeant at Armes.

Sect. 345. INquiratur &c. Si A. B. et C. D. ſerviens pred' A. B. tali die et anno ex eorum malitia precogitatꝫ ac inſultu et affraia ꝑ eos præmeditatꝫ, vi et armīs &c. apud L. pred' in parochia &c. infra virgam in quendā W. P. ſervientem dñi Regis ad armīs inſultꝫ et affraiam fecerunt et ipſum W. P. adtunc et ibidem vulneraverunt, verberaverunt, et male tractaverūt, et cum quibuſdā gladiis quos in manibus ejus dextris adtunc et ibid. tenuerunt pref. W. P. adtunc et ibidem felonice interfecerunt et murderaverunt, contra pacem, &c.

An Indictment againſt one for keeping of a common tipling-houſe, that he is a common / rrator, and keepeth divers ſuſpitious perſons in his houſe, both men, a.a women, and vagabonds, drinking, and ſwearing, and uſing unlawfull games; ſleeping in the day, and watching in the night, And for holding of an heretical opinion of our Saviour Chriſts humanitie.

Sect. 355. IVratores &c. Quod A. B. de E. &c. eſt communꝫ Tiplator cerviſiæ et communis barrectator et pacis dñi Regis perturbatꝫ et cuſtod' et manutenet quotidie et noctanter in domo ſua apud &c. diverſ. perſonas ſuſpect

ſuſpect̃ tam homines quam mulieres et vagabond̃ ibid̃ bibentes, jurãtes, et ludeñ ad luda illicit̃, viz. apud **cards and dice**, in noctibus poſt horas debit̃ et legitimas, et qui vigilant in nocte et dorm̃ in die: necnon habet finem et opinionem contra fidem dei. Et hæc verba dixit in Anglicana tali die et anno &c. in preſentia A.B.C.D. et aliorum ligeorum dict̃ dñi Regis; **God neuer take fleſh nor blod of our Lady**, in malum exemplum et magnum nocumentum omnium aliorum ligeorum dicti domini Regis coroñ et dignitat̃ ſuas.

An Inquiſition taken before a Coroner finding that R. H. was rowing in a Boat upon the River of Severne, and ſuddenly fell out of the Boat, and ſo was drowned.

INquiſitio indentat̃ capt̃ apud Worceſter in comitat̃ pred̃ primo die Auguſti, anno regni excellentiſſime principiſſe Mariæ primo &c. coram G.H. geñ uno coroñ dictæ dominæ Reginæ comitatu predict̃ ad inquirend̃ qualiter et quomodo quidam Richardus Hochecks in comitatu pred̃ **husbandman**, adtunc et ibidem jaceñ mortuus, ad ſuam mortem devenit p̃ ſacramentum proborum et legalium hominum villæ de W. pred̃ et trium aliarum villat̃ ꝓpinquarum, viz. N. B. et D. ſc. per Sacramentum R.L. &c. Qui dicunt quod ita accidit apud W. prædict̃ in comitatu predict̃ xxx. die Iulii anno ſupradicto quod pred̃ R. H. fuit remigans in Lintro vocat̃ a **Boate**, ſuper aquam Sabrinæ et in remigatione præd̃, præd̃ R. H. ex infortunio repente cecidit de eodem in aquam præd̃, et merſus fuit. Et ſic dicunt quod idem R. H. ad mortem ſuam devenit et non aliter, nec alio modo. Et quod pred̃ Lintrum attachiatum eſt eo quod fuit cauſa ſeu occaſio mortis ſuæ et appreciatur ad 4. ſolid̃ 4. denar̃, et remanet in cuſtod̃ W. H. In cujus rei teſtimonium tam ſigilla præd̃ Iurat̃ quam ſigillum præd' Coronat̃ huic præſent̃ Inquiſitioni indentat̃ fuit appenſ. dat̃ die & anno pri' ſupradict̃. Sect. 356.

An Indictment of murder of one man taken before the Coroner, againſt one that committed the murder, and two that were preſent, maintaining, procuring, and aiding him in the doing thereof.

INquiſitio indentat̃ capt̃ apud W. in Comitatu pred' ſecundo die, &c. Anno, &c. coram G.H. generoſ. uno Coronatorum dictæ domiñ Reginæ comitat̃ p̃d' ſuper viſum corporis cujuſdam R. D. apud W. felonice interfecti adtunc et ibidem mortui jaceñ per Sacramentum proborum et legalium hominum de W. prædic', et trium aliarum villat̃ propinquarum, videlicet, &c. ad inquirend' qualiter & quomodo præ- Sect. 357.

pred̄ R.D. ad mortem ſuam devenit, viz. per ſacramentum, &c. Qui dicunt ſup̄ ſacramentum ſuum per prædict̄ A. B. C. proloeutores eorum, quod ubi prædic' R.D. fuit in pace Dei et dictæ dominæ Reginæ in regia via ambulans inter Caſtrum Pulderbach & Wrintnal in Comitat̄ pred̄ 20. die Auguſti, Anno ſuprad̄ circa horam ſeptimam poſt meridiem ejuſdem diei, ubi venit R.A. de W. prædt̄ in com̄ pred̄ **Laboꝛer**, ut felo dictæ dominæ Reg. contra pacem ejuſdem dn̄æ Reginæ coroñ & dignitat̄ ſuas die, ann̄, hora et loco pred̄ ex malitia et malo ꝓpoſit̄ ſuo precogit̄ in inſidiis jacuit, ea intenc' ad murdrand̄ et interficiend̄ prefat̄ R.D. ac in pref. R. tunc & ibid' inſult̄ fecit, et eund̄ R. cum quodam baculo vocat̄ **a piked ſtaffe**, precii, &c. quē in manibus ſuis tenuit ſuper occiput capitis ſui felonice percuſſit dans ei plagā mortal̄; de qua quidem plaga mortal̄ idem R. à pred̄ 20. die Aug. ann̄ ſupradict̄ uſque ſecund̄ diem Sept. tunc ꝓxime ſequeñ languebat et moriebat̄. Et ſic dic' qd pred' Rowland' prefat̄ R.D. adtunc et ibid' voluntar̄ et felonice murdravit et interfecit, et quod habuit in bonis nihil, dicuntq; inſuper, Quod quid' R.A. de W. in comit̄ pred' **Huſbandman**, T.W. de W. pred' com̄ pred' **Butcher**, die, anno, hora, et loco pred' perſonaliter intereſſent manutenentes procurantes et auxiliantes pref. Row. A. ad felonium et murdrum feloñ in forma pred' ꝓpetrand' et perficiend'. Et qd pred' R. A. habuit in bonis et catallis ad valenc' &c. et remanent in manibus A. A. uxoꝛ̄ ejus, et quod pred' T.W. nihil habuit in bonis et catallis ad preſens.

An Inquiſition taken before a Coroner, finding that W.V. hanged himſelfe, in a wood in his girdle.

Sect. 358. INquiſitio indentat̄ capt̄ apud A. in com̄ pred' die et anno &c. coram G.H. geñ uno coronat̄ dictæ dom̄ Reginæ Comit̄ predict̄ ſup̄ viſum corpoꝛ̄ cujuſdam VV. V. adtunc et ibidem mortui jaceñ per ſacramentum proborum et legalium hominum villat̄ de A. pred' et trium aliarū villar̄ ꝓpinquar̄, viz. VV. H. et M. ad inquirēd' qualiter et quomodo idem VV. ad mortem ſuam devenit, viz. per Sacramentum, &c. Qui triat̄, electi, onerat̄, et jurat̄ ad veritat̄ de premiſſis dicend' per p̄d' A.B. C. eoꝛ̄ ꝓlocutores, dicunt ſuper eorum ſacram̄t̄, quod predict̄ VV. V. xx. die &c. anno ſupradicto in quodam boſco juxta Acton predict̄ vocat̄ **Manoꝛs wood**, circa horam quartam paſt meridiem ejuſdem diei felonice, ut felo dictæ dn̄æ Reg. die, ann̄, hora et loco prædict̄ Deum præ oculis non habens, ſed inſtigation̄ diabolica ſeduct̄ cum quadam zona curreo vocat̄ **a letherne girdle**, precii, &c. ſe ſuſpendit, interfecit et murdravit. Et ſic dicunt, quod predictus VV. ad mortem ſuam devenit et non aliter, et primi inventores ejus fuerunt T.V.

et

et I.W. pleg' eor' I.H. et T. H. cor' Iustic' itiner' cum ad partes illas ven', et habuit in bonis ad valenc' 7.l 6.s.8.d. viz. in manib' T.V. de A. pred. &c. 6.s.8.d. in manibus R.M. &c. 10.s. &c. In cujus, &c.

An Inquisition taken before a Coroner, finding that one was murdred upon a heath by one unknowne.

INquisitio indentat' capt' apud W. in com. p̄d. die et ann̄ &c. corā G. H. uno coron̄ dict' dominæ Rūæ com. p̄d. sup̄ visum corpor̄ cujusdā N. H. alit' in com. Cestr' apud **Prées heath**, infra dūium de W. in com. pred. felon̄ interfect' adtunc et ibid' mortui jacen̄ per sacramentum proborum et legalium hominum villat' de W. præd' ac trium aliarū villat' p̄pinquar', viz. &c. ad inquirēd' qualiter et quomodo præd' N. ad mortem suam devenit, viz. p̄ Sacramentū, &c. Qui elect', jurat' et onerat' per p̄d' A. et B. eor' prolocutores dicunt: Quod ubi præd' N. fuit in pace dei, et dict' dn̄æ reg. apud **Prées heath**, præd' in com' pred' die et an' supradict' circa horā tertiam post meridiem ejusdem diei ibi tunc venit quidam homo adhuc ignotus, felonice ut felo ejusd' dom' reg. per regiam viam ibid' ex malitia et malo p̄posito suo p̄cogitat' in insidiis jacuit et in p̄f. N. adtunc et ibid' insultū fecit, ac cum quodam baculo voc' **a piked staffe**, precii, &c. quem ipse adtunc et ibid' in manibus suis tenuit, p̄f. N. sup̄ vertic' capitis sui felon' percussit dans ei plag' mortal' unde cecidit ad terram: ratione cujus idem N. à præd' die, an' et hora languebat usq; 24. diem &c. tunc p̄x' sequēt', et sic tunc et ibid' de pred' plaga mortali moriebatur. Sect. 359.

An Indictment before the Coroner for killing and robbing of one by the high way, and flying thereupon, and a towne amerced for not reprehending the felon.

INquisitio indentat' capt' apud B. in com' p̄d' in quodā loco ibid' voc' **Lawlesse crosse**. 4. decembr' an' &c. coram W.W. gen', uno Coronat' dict' dom' Reg. com' præd' sup̄ visum corporis cujusd' I. W. nuper de L. &c. adtunc et ibid. jacen' mortui per sacramēt' bonor' et legal' hoīū villat' de Buyldas p̄d', et trium aliar' villat' p̄pinquar', viz. &c. ad inquirend' qualiter et quomodo pred' I.W. ad mortem suam devenit, viz. p̄ sacrament', &c. qui dicunt super sacrament' suum per A.B.C. prolocutores, qd ubi p̄d' I. W. 2 die &c. an' supradicto fuit in pace dei et dict' dom. Reg. equitans inter vill' de Wenlock magna, et Buyldas magna præd' in com' præd, sic accidit circa horā undecimam ante meridiem ejusd diei. Qd quidam T.L. nuper de H. in com. predict' **Serutugman**, deum præ oculis non habens ex malitia et male p̄positis suis precogit Sect. 360.

apud

apud Lawlesse crosse pred̄ in com̄ præd̄ in insidiis jacuit. Ea intention̄ ad murdrand̄ et interficiend̄ pref. I.W. Ac præd. T. L. ex prædict' malitia sua precogitat̄, vi et armis &c. in prefat̄ I.W. adtunc et ibid. insultum fecit et ipsum I.W. ab equo suo sup̄ quem idem Io. tunc equitavit in terram dejecit et collum ipsius Iohannis adtunc et ibid̄, vi & manu forti torsit & fregit unde idem I.W. adtunc die, ann̄, hora, & loco suprad. (ut prædicitur) voluntat̄ et felon̄ murderavit et interfecit: Et ulterius dicunt Iuratores præd. quod præfat̄ T. L. immediate post felon̄ & murdrum prædict' in form̄ pred. perpetrat̄ adtunc et ibidem unam crumenam Coriam precii 4.d. et 40.s. in nummis numeratis in dicta crumena tunc existen̄ de bonis et catallis ipsius Io. dum vixit adtunc et ibid. à corpore ipsius I. felon̄ cepit. Et super inde T. L. per defectum et negligentiam inhabitanc' villat̄ de Buyldas pred. fugam fecit tunc minime reprehensus existen' pro murdro et felonio prædict̄. Ideo amerciatur præd. villat̄ de B. præd. ad C. s. pro hujusmodi escap̄ secundum formam statut̄ in hujusmodi casu edit̄ et provisi. Et dicunt etiam Iurat̄ prædict̄ super sacrament̄, quod prædict' T. L. prædict̄ secund' die Septemb. anno suprad. seu unquam postea nulla habuit bona neque catalla terras nec tenementa in comitat̄ prædict'. In cujus &c.

An Inquisition before a Coroner, where it is found that a woman killed her selfe with a knife.

Sect. 361. INquisitio indentat̄ capt̄ apud A. in com̄ pred. die et ann̄ &c. coram I. A. uno Coronat̄ ejusd̄ domini Regis super visum corpor̄ K. uxor̄ G. S. adtunc et ibidem mortui jacen̄ per sacramentum proborum et legalium hominum de A. pred. et trium villat̄ propinquarum, viz. &c. ad inquirend. qualiter et quomodo eadem K. ad mortem suam devenit, viz. per Sacrament̄ &c. Qui elect', jurat̄ et triat̄ ad veritatem inde dicend', per prædict' A. B. eorum prolocutor̄ dicunt super sacrament̄ suū, Quod pred. K. deum non habens præ oculis suis, sed instigatione diabolica seduct̄ die &c. anno &c. apud W. in Com̄ præd. cum quodam cultello precii 3. denar̄ seipsam felon̄ percussit dextra parte gutturis suæ ad profunditatem decem pollicium unde eadē K. languebat ab eodem die usque ad diem &c. extunc prox' sequent̄ & moriebatur. Et sic dicunt qd eadem K. ad mortem suam devenit et non aliter, et nihil habuit in bonis. In cujus rei testimonium, &c.

An

An Indictment of one in London for cosening of Clothiers.

IVratores pro dom̃ regina presentant, ꝙ S. S. nuper de Londoñ mercat̃ scissor est persona valde mali nominis, famæ et conversʒ. inhonestæ communis deceptor et defraudator subditor̃ dict' dñæ reg. Et ꝙ ipse 30. die, &c. anno &c. apud 30. London, viz. in parochia S. Laurent in veteri Iudaismo in Warda de Cheap Londoñ pred̃ et diversʒ. aliis locis & diebus infra Civitat̃ pred̃ tam antea q̃ postea, quend̃ Radulphũ Wyat de Civitate Wigorñ **Clothier**, & multos alios fideles subditos dict' dom̃ Reg. decepit et defraudavit, et per fraudem, astuciam, et deceptionem, Angl' **by cosenage**, diversos pannos laneos, vocat̃ **Broad-Clothes**, tam de pred̃ Radulpho Wyat quam de diversis aliis dict' dñæ Reginæ subditis perquisivit, habuit et percepit, in pauperac' subditorũ dict' dom̃ Reg. nunc, **&** in contemptum dict' dom̃ Reginæ & in pessimum ac pernitiosissimum exemplum omnium alior̃ ligeorum subditorum dict' dom̃ Reg. in hm̃di casu delinqueñ, & cont̃ pacem dictæ dominæ Reg. Coroñ & dignitatem suas: Necnon cont̃ form̃ statut̃ in hm̃di casu editi & ꝓvisi.

Concordat cum Recordo.

An Indictment against William Hacket for treason and conspiracie, viz. for practising the deprivation of the Queene, and for traiterous words against her, and for defacing of her Armes, &c. Translated into English out of the very Indictment it selfe.

The Jurie doe present for the Quéen, that William Hacket late of Dundel in the County of Northampton Yeoman, as a false Traitor against the most excellent and Christian Princesse, our Soueraign Lady Eliz. his naturall and Soueraigne Liege Lady, hauing not the feare of God in his heart, nor weighing his due allegeance, but seduced by the instigation of the Deuill, maliciously and traitorously compassing, imagining, deuising, and intending the deprziuation and deposing of our said Soueraign Lady Eliz. from her honor and ropal name of the Imperiall Crowne of this Realme of England, on the 21. day of July, in the 33. yeare of the raigne of our Soueraigne Lady Elizab. now Q. of England, at London, that is to say, in the Parish of Saint Brides, in the Ward of Farringdon extra London, and diuers other dayes and times betwixt the 12. of Febzuary last past, and the 25. day of July, in the said 33. yeare of her Ma. raigne, as well in the Parish and Ward afozesaid, as elsewhere in London afozesaid, of his owne peruerse and traiterous mind and imagination, maliciously, expzesly, adul-

aduisedly, directly, and traiterously, in the presence and hearing of sundrie faithfull subjects of our said Soueraigne Lady, these false, malitious, and traiterous English words following, concerning our said Soueraigne Lady the Quænes Majestie, falsly, maliciously, aduisedly, expressly, directly, and traiterously said, rehearsed, published, and spoke, viz. That the Quænes Maiestie (meaning thereby our said Soueraign Quæne Elizabeth) did represent all Hypocrisie, and had forfeited her Crowne, and was worthie to be deprined, and that he had beene of that opinion these 4. years, and that he defaced her Armes in Kayes house, thereby meaning the house of one Ralph Kaies, scituate and being in Knight-rider streete in the Parish of Saint Gregorie neere Pauls, in the Ward of Baynards castle L. to take away her whole power of her authority, and was moued thereunto by the Spirit, and that he neither was, nor is sorrie therefore, to the great scandall and derogation of the person and roialty of our said Soueraign Lady the Qu. and to the subuersion of the state of this Realme of Engl. and contrary to the forme of a Statute in this case made and prouided, and also against the peace of our said Soueraigne Lady, her Crowne, and dignities, &c.

Another Indictment against the said W. Hacket for practising the deposition and death of the Queen, for stirring sedition in the Realme, for rasing of the Queenes Armes and her picture, and for thrusting an Iron instrument into that part of the picture that represented the brest and heart of the Qu. and that he treated with two others for the bringing to passe of their purposes. And for traiterous words uttered against the Queene, translated into English out of the very Indictment it selfe.

Sect. 365. THe Jurie present for the Qu. That W. Hacket late of Oundel in the County of Northampton Yeoman, as a false Traitor against the most excellent and Christian Princesse, our Soueraign Lady Elizabeth, by the grace of God, of England &c. hauing not the feare of God in his heart, nor weighing his due allegeance, but seduced by the instigation of the Deuill, and intending wholly to withdraw, put out, and extinguish the hearty loue, and the true & due obedience which a true and faithfull subject of the Qu. should beare, and by the law is bound to beare towards our said Soueraigne Lady the Qu. The first day of July, in the 33. yeare of the raigne of the said Qu. at London in the parish of S. Gregorie neere Pauls, in the ward of Castle Baynard London, falsly, maliciously and traiterously intended, imagined, went about, and compassed the said Queene his soueraigne and naturall liege Lady, not onely from her Royall state, title, power, and gouernement of this Realme of England, vtterly to depriue, depose, cast downe and

and diſcherite, but alſo to bring and put the ſaid Quéenes majeſty to death and final deſtruction and ſedition in the ſaid realme of England to raiſe vp, leuie, and make, and alſo wholly to ſubuert and deſtroy the ſtate of this whole Commonwealth, being in and throughout euery part thereof conſtituted and ordered. And to the intent hee might fulfill and bring to paſſe thoſe his aforeſaid traiterous purpoſes, imaginations, compaſſings, and intents: The ſaid William Hacket afterward, that is to ſay, the firſt day of July, in the xxviii. yeare of the reigne of the Quéenes Majeſtie that now is, did come to the manſion houſe of one Ralph Kaies, ſcituate and being in Knight-rider Stréete, in the ſaid parith of S. Gregories in the ward aforeſaid, and then and there maliciouſly, diuelliſhly, and trayterouſly raſed and defaced the Armes of the Quéenes majeſty, then and there in the ſaid houſe being, with this intent, traiterouſly to take away, put downe and ouerthrow the power and authority of the ſaid Quéene: And that the ſaid William Hacket, for further accompliſhing and effecting of his ſaid trayterous purpoſes, imaginations, compaſſings, and intents, the ſaid firſt day of July, in the ſaid xxviii. yeare of her Majeſties reign, in the houſe of the ſaid Ralph Kaies, ſcituate in the parith and ward aforeſaid, did trayterouſly raſe a certaine picture of the Quéenes Majeſties, then and there in the ſaid houſe likewiſe being: And then and there did maliciouſly and traiterouſly put in and thruſt an iron inſtrument into that part of the ſaid picture, that did repreſent the breaſt & heart of the Quéenes Majeſtie. And afterward, that is to ſay, on the xvi. day of July in the xxviii. yeare of the raigne of the Quéens Majeſty that now is, the ſaid William Hacket trayterouſly came to the houſe of one John Walker, ſcituate and being in the Parith of S. Mary Sommerſets, in the ward of Quéenehithe in London aforeſaid, with intent traiterouſly to conferre and treat with one Edmond Coppinger Gentleman, and Henry Arthington Gentleman, concerning his traiterous purpoſes, imaginations, compaſſings, and intents aforeſaid: And that the ſaid William Hacket afterward, that is to ſay, on the xvi. day of July, in the xxviii. yeare of the raigne of the Qu. Majeſty that now is, at London aforeſaid in the houſe of the ſaid John Walker in the aforeſaid parith of S. Mary Sommerſet in the ſaid ward of Quéenehith in London, of his own peruerſe & traiterous mind and imagination, maliciouſly, aduiſedly, erpreſly & trayterouſly, did treate & had conference with the ſaid Edmond Coppinger, and Henry Arthington, by what ways, meanes, and manner, the ſaid traiterous purpoſes, imaginations, compaſſings & intents might be accompliſhed & brought to paſſe. And therupō the ſaid xvi. day of July, in the ſaid xxviii. yeer, in the ſaid houſe of John Walker aforeſaid, ſcituate and being in the ſaid Parith of S.

Marie Somersets in the said ward of Quænehith London, in the presence and hearing of the said Edmond Coppinger, & Henry Arthington, being then and there in the said house, the said Hacket these false trayterous English words following of our said Soueraigne Q. Elizabeth, falsely, maliciously, aduisedly, expressly, directly and trayterously said, rehearsed, published, and spoke, viz, That the Quænes Majesty (meaning our said Soueraigne Lady Quæne Elizabeth) had forfeited her Crowne, and was worthy to be deprined. And that furthermore, the said William Hacket there vpon the said xvi. day of July, in the said xxviii. yeare, in the said house of John Walker, scituate in the Parish of S. Mary Somersets, in the said ward of Quænehith London, maliciously and trayterously moued and stirred vp the said Edmond Coppinger, and Henry Arthington, trayterously and openly to declare and publish in London aforesaid, that the Quænes Majesty that now is, had forfeited her Crown, to the great offence and derogation of the person of the Quænes Majesty, and to the subuersion of the state of this Realme of England, and contrary to the peace of our said Soueraigne Lady, her Crowne and dignities, &c.

An Indictment of Recusancie vpon the Statute of 1. *And* 23. *Elizab.*

Sect. 366. IVratores presentant pro dña Regina, quod I.S. nuper de parochia S. Margaretæ in Westm̃ in com̃ Midd' armig', Qui xx. die Septembris, Anno regni Reg' Eliz. &c. quadragesimo primo fuit ætatis sexdecẽ annorum & ultra non accessit Anglicè **did not repaire** Ecclesiæ suæ parochiali de parochia S. Margaretæ in Westm̃ p̃d' in com̃ Midd' pred', nec alicui aliæ Ecclesiæ, capellæ aut usuali loco communis precationis nec ibidem fuit tempore commun̄ precationis ad aliquod tempus infra sex menses proxm̃ sequent' pred' xx. diem Septemb', anno xli. suprad', sed abstinuit ab iisdem Anglicè **hath forborne the same**, à pred' xx. die Septemb', anno xli. suprad', p̃ p̃dict' spacium p̃d' sex mensium extunc p̃xim̃ sequent' cont' tenorem cujusdam statuti apud Westm̃ in com̃ Midd', an̄ regni dictæ dñæ Reg' nunc primo, p̃ uniformitat̃ communis p̃cationis ac cont' formã statut' anno regni dictæ dñæ reg' nunc 23. in hm̃di casu ædit' & p̃vis. in dictæ dñæ Reg' nunc & legũ suar̃ contempt̃ manifestũ, necnon contra pacem dictæ dñæ Reg' nunc coron̄ et dignitat̃ suas, &c.

Memorand', **that the course is, that the partie indicted must appeare in proper person, and plead to the Indictment.**

A plea to the Indictment next before.

Midd. ff. ET prædict' I.S. in propria persona sua venit et defendit vtrum & quicquid contra pacẽ & in contemptu Dominæ Reginæ nunc aut legum

legum ſuarum ſuperius fieri ſuppoſit'. Et proteſtand quod indictamen̄ præd̄ verſ. eum exhibit̄ minus ſufficien̄ in lege exiſtit ad quod neceſſe non habet nec per legem terræ tenetur reſpondere: Pro placito tamen idem I. S. ulterius dicit quod de pred̄ non acceſſu alicui Eccleſiæ capellæ aut uſuali loco communis precationis aut de abſtentione inde contra formam ſtatuti pred̄ in indictamen̄ pred̄ ſignificat̄ vel de aliqua alia tranſgreſſion̄ offenſ. aut cōtempt̄ in indictamen̄ præd̄ ſuperius ſuppoſit̄, qd ipſe in nullo eſt inde culpabilis. Et de hoc ponit ſe ſuper patriam, &c. Et Henricus Fermor generl̄ qui p̄ domina Regina in hac parte ſequitur ſimilit̄. Ideo ven̄ inde Iur̄, &c.

The Venire facias *for the returning of a Iurie, to trie the cauſe betwixt the Queene and the partie indicted.*

ELizabeth Dei gratia Angliæ, Franciæ, & Hiberniæ Regina, fidei defenſor, &c. vic' Midd̄ ſalutem: Præcipimus tibi quod non omittas propter aliquam libertatem in Balliva tua quin Venire facias corā N.M. majore civitat̄ noſtræ London, & ſociis ſuis Iuſticiariis noſtris ad gaolam noſtram de Newgate de priſonariis in eadē ciſten̄ deliberand aſſign̄ apud **Iuſtice hall in le old Bayly**, die veneris ſcilicet xiii. die Iunii proxim̄ futur̄ ad horam primam poſt meridiem ejuſdem diei viginti & quatuor liberos & legales homines de viſnet̄ S. Margaretæ in Weſtm̄ in comitatu noſtro Middleſexiæ, ad recogn̄ ſuper Sacramentum ſuum, ſi I. S. de Parochia S. Margaretæ in Weſtm̄ in com̄ Midd̄ gen̄ culpabilis ſit de quadam tranſgreſſione & cōtemptu unde idem I.S. indictatus exiſtit, necne, &c. Et habeas ibi tunc nomina Iurat̄ pred̄ & hoc breve. Teſte prefat̄ N.M. Majore p̄d̄ apud **Iuſtice hall** p̄d̄, ſeptimo die Maii, Anno regni noſtri quadrageſimo ſecundo. *Midd.ſſ.*

Fermor.

Executio iſtius præcept̄ patet in quodam panello huic præcept̄ annex'.

Reſponſ. { Roger' Clerke / Humphred̄ Welde } vic'.

An Indictment of Burglarie, and for hanging up the good man of the houſe by the thumbes upon a beam with pot-hookes, and for binding with cordes the good man of the houſe and his wife, and for taking out of a cheſt five pounds in money.

IUrat̄ præſentant, q̄ G.C. nuper de M. in Com̄ Ceſtriæ et alii ignoti xvi. die Martii, Anno regn̄ Edward̄ ſext̄ Dei gratia Angliæ, &c. quinto Sect. 367.

quinto circa horam undecimam in nocte ejuſdem diei apud A. in com̃ C. domum cujuſdam R. W. vi & armis, viz. baculis gladiis & dagariis burglariter ac felonicè fregerunt & intraverunt, Ea intẽtione ad ſpoliand' et depredandum prædict' R. W. et in prædict' R. W. ac R. W. filium ſuum et Ioh. uxor̃ ejus adtunc et ibidem inſultum fecerunt, et ipſum R. W. cum quodam inſtrumento vocat̃ **pot-hookes**, pollices ipſius R. W. ſuper trabem, vocat̃ **a beame**, domus prædict' ipſum adtunc et ibid' ſuſpenditur et prædict' R. W. & Ioh. uxor̃ ejus cum cordis ligaverunt et 100. s. in pecuniis numerat̃ in quodam ciſto contenẽ de bonis et catallis prædict' R. W. adtunc & ibidem invenẽ felonicè ceperunt, aſportaverunt, & ſpoliaverunt, vi & armis, ac contra pacem dicti Domini Regis, ac contra formam ſtatuti in hujuſmodi caſu ædit̃ & proviſ.

An order to be obſerved in the right framing of Indictments.

Quis, quando, ubi, quid, cujus, quomodo, quare.

Quis. **Quis, the perſon with his name, ſurname, addition of the Towne, Countie, Art, and degrée.**

Quando. Quando, **The day and yeare.**

Vbi. Ubi, **The Place, Towne, and Countie.**

Quid. Quid, **The thing taken, the colour, the marke, the price and value.**

Cujus. Cujus, **The owner of the thing, and whoſe it was.**

Quomodo. Quomodo, **The manner of the doing, and how.**

Quare. Quare, **The intent which is compriſed in this word** (Felonicè.)

SYM-

SYMBOLEOGRAPHY,

Of Compromise and Arbitrements.

A Compromise defined.

A Compromise or Submission, Arbitrium, Com promissum, Submissio, is the faculty or power of pronouncing Sentence betweene persons at controuersie, giuen to arbitrators by the parties mutuall priuate consent, without publique authority, 8 Ed. 4. 2. Sect. 1.

Compromise divided.

Euerie Compromise is generall or speciall, Dyer 217. placit 6. 4. Eliz. Sect. 2.

Compromise generall.

A Generall Compromise is of all quarrels, actions, executions, and demands, &c. Sect. 3.

Compromise speciall.

A Speciall compromise is euery submission to order, which is not so generall as when it is of certain matters, facts, or things only, as of Trespasse, or of all actions of trespasse, or of a plaint or debt, or detenue, &c. Sect. 4.

Parts of Iudgements.

AS of euery other iudgement, so of iudgements which grow by compromise, there are two parts, the persons and the question. Sect. 5.

Persons in Iudgements.

PErsons chiefely regarded in compromise, are the striuing parties, and the Arbitrators. Sect. 6.

Persons striuing.

THe parties striuing be they betwixt whom the controuersie depending, and which compromise the same, Dyer 217. 4. El. Sect. 7.

Persons striuing two.

AND they must be two at the least, namely the plaintife and the defendant, of which sometime there be two or more of a side. Sect. 8.

The Plaintife.

The plaintife is he which moueth the question.

The defendant.

The defendant is he against whom the question is moued.

What persons may compromise, and what not.

ALl persons both male and female may compromise, but such as are prohibited by nature or by law. Sect. 9.

Impediments to compromit.

Sect. 10. By nature some are prohibited to compromit through defect of the mind, and some through defect of the bodie.

Impediments in mind naturall.

Sect. 11. Through the defect of the mind, is when either age is such, that by nature they want discretion, or being at age they want it, either naturally or casually: as infants under xxi. yeares old, 10 H. 6. 14. 18 E. 4. 3. 7 E. 4. 5.

Impediments in mind casuall.

Sect. 12. And furious mad lunaticks during their lunacy, 12 E. 4. 8. and Ideots.

Impediments in bodie.

Sect. 13. Defect of the body is such infirmitie as hindreth the principal senses necessary for the attaining of knowledge, as dumbnesse, deafnesse, and blindnesse.

Dumbnesse and deafnesse naturall and casuall.

Sect. 14. And therefore persons by nature dumb and deafe cannot compromit, as it seemeth, for they cannot have understanding, neither can they grant, Perkins Sect. 25. But persons blind, dumb, and deafe, by chance, which can write and read, may well by writing compromit.

Impediments legall, subjection, joynt power.

Sect. 15. Such persons seeme prohibited by law to compromit, as be subject to others power, or have only joynt power with others, as bondslaves or villeins, lest the award should become void on their part, 35 E. 3.

Coverture.

Sect. 16. In like manner women covert without their husband, 28 H. 5. 9 E. 3. 28.

Death civill.

Sect. 17. And persons civilly dead, as Monks, Friers, Chanons professed, Nuns, and such other votaries which be in subjection to their soveraignes, 14 H. 8. 16. 2 R. 2. 5.

Compromise.

Sect. 18. Hereunto may be added men compelled to submit by threats, or imprisonment. 8 Ass. 25. 7 E. 4. 21. for in submission the consent ought to be free.

Attainder and outlawrie.

Sect. 19. Of this sort also are persons attainted of felony or treason, and persons outlawed or vainted in personall actions, for they have no goods, 36 H. 6. 26. 16. H. 6. 47. 21 H. 7. 7. 8 E. 4. 4. 5 H. 7. 16.

Joynt power.

Sect. 20. Persons prohibited to compromit for that they have onely joynt power with others, are the single members of every corporation, without

without their fellow members, as a Deane without a Chapter, an Abbot without his Couent, a Maior without his Comminalty, the Master of a College or hospitall without his fellowes, and so of other societies and guilds, 21 E.4.13. And in a ward it seemeth that such persons onely may of themselues compromit, as may of themselues make good grants.

Arbitrators defined.

An arbitrator is an extraordinary iudge which is chosen, and hath power to iudge, giuen to him by the only mutual cõsent, wil, compromise and election of priuat persons striuing, to the end they may decide their controuersies, 19 H.6.36. who because the controuersie is committed to his pleasure and arbitrement, is termed an arbitrator, and for that it is done by the mutual promise or compromise of the parties, he is called Compromiss. judex, Dyer 536. 19 El.39. Or a Iudge hauing cognisance by the compromise of the parties; his power is larger then the power of any ordinary or other extraordinary Iudge appointed by a Magistrate, for an Arbitrator hath power to iudge according to the compromise after his own mind, as wel of the fact as of the Law, not obseruing the forme of Law, but the other Iudges are tyed to a prescript forme limitted to them by the law or magistrat, of which they be only executors. For which cause Tully saith well, Aliud est iudicium, aliud arbitrium; nam iudicium est pecuniæ certæ, arbitriũ incertæ; ad iudicium hoc modo venimus, ut totã litem aut obtineamus, aut amittamus; at arbitrium hoc modo adimus, ut neq; nihil neq; tantum quant postulamus consequamur; whence springeth this old saying, He that putteth his coat to dying is like to lose a quarter. Sect. 21.

The choice of Arbitrators.

Seeing then the power of Arbitrators is such, and so great and vncontrollable, warinesse must be vsed in the choice of them. In which two things seeme necessary to be regarded, namely that the arbitrators be sufficient and indifferent. Sect. 22.

Sufficiency of Arbitrators considered.

Touching their sufficiency, such persons are to be elected as haue sufficient skil of the matter compromitted, and haue neither legall nor natural impediments to giue an vpright sentence. Naturall impediments be through defect of mind or body, naturall impediments through defect of mind be infancy, (for infancy by reason of their tendernesse of yeares, want discretion to mannage themselues and their own affairs) madnesse, and Ideocy, for they who are maimed with these blemishes, are vtterly void of vnderstanding. And although I haue read some examples of sage sentences giuen by soles, yet dare I not aduise my friends to expect alwayes the like at their hands: As this; Sect. 23.

A foolish arbitrement.

Sect. 24. That an hungry beggar espying dainty cheare in a cookes shop, hasted thither, and being set downe did eat a small piece of his owne bread, and incontinently receiued such wonderful comfort by the sweet smel of the cooks cates and sauces, wherof he tasted no bit, that he confessed his eager stomack was as well satisfied therwith, & had as good a repast as if he had indeed stuffed his paunch with the best cheere there: which the Cooke hearing straight ways with a stern countenance bids the poore caitife pay for his breakefast, whereat the simple guest was mightily amazed, and the crafty Cooke so much the more earnest; insomuch as this poore man and the Cooke were content therein to abide the ward of him that should next passe by. no sooner was the submission made, but thither commeth a most notorious naturall foole, to whom as their Iudge they rehearsed the matter; which being heard, the Iudge caused the poore man to put so much money betweene two basons as the couetous Cook exacted, and to shake them in the Cookes hearing: which done, this Arbitrator awarded, that as the Cooke had fed the poore man with the onely smell of his cates, so the poore man should pay him therefore with the onely sound of his coine, which sentence was highly approued of the hearers.

A simple Magistrates Arbitrement.

Sect. 25. NOt much vnlike to this is that which is reported of a couetous Churle, whose sorrowed extreamly for that he had lost a purse with one and twentie Angels in it. But an honest man hauing found the same, of meere conscience deliuered it to the same churle, who not once thanking him that was the bringer, fell to account his coin, and finding onely twenty Angels in the purse, with great rigour exacted the odde Angell; and because the honest man denied the finding thereof, he conuented him before a Magistrate of a Corporation, whose wealth and authority far exceeded his wit (as in such places commonly happeneth, for that affection and simplicity be their ordinary electors.) The plaintife sweareth, there were one and twenty angels in the purse which he lost; the Defendant, that there were onely twenty in that which he found. Whereupon the Magistrate pronounced, that the purse found was not the plaintifes, and therefore adiudged him to restore vnto the defendant the purse with twentie Angels, leauing the plaintife to good fortune for the finding again of his purse with one and twenty angels. I thinke a man may trie a thousand fooles in the like cases, before hee receiue the like sentence.

Defects of the bodie in Arbitrators.

Sect. 26. THe defects of the bodie hinder iudgement, are infirmities, by the which the principall sences necessary for the apprehension of know-

knowledge, or impaired, as by deafnesse, dumbnesse, and blindnesse.

Arbitrators indifferent, who are?

AND for indifferency, it is good that the arbitrators be void of malice and fauour to either of the parties, that they be not notorious by outlawry, excommunication, or suspected of any other notorious crime, that they be neither irreligious nor couetous: For albeit, as it is said, an Arbitrator hath herein absolute power, yet ought his iudgement or censure to be sincere and incorrupt, according to right and equity, without malice, flattery, and euery other vicious affection or perturbation which may in any sort lead him away from the right of iustice and equity. Sect. 27.

Hitherto of persons in submissions.

The Question.

THe question which containeth the matter of the arbitrement followeth. Sect. 28.

The Question is a thing in controuersie declared to the Iudge or Arbitrator, to the end it may by him be decided. Dyer fo. 216. 4. Eliz. pla. 6.

The Question double.

AND euery question is either about the fact, or about right. Sect. 29.

The question of the fact.

A Question of the fact is, when such a fact is enquired of as is doubtfull. Sect. 30.

The question of right.

THe question of right is when the fact being known, it is yet doubtfull how much is thereby grown right and due to each party by Law. Sect. 31.

What is to be considered in each question.

AND in euery question hereupon arising, it is to be considered whether the thing in question be arbitrable or no: for in vaine it is to compromit things not arbitrable. Let vs therefore see what things be arbitrable, and what not. Sect. 32.

What things are arbitrable, and what not.

THings and actions personall incertain be arbitrable: as trespasse, ward taken away, &c. 22. H. 6. 39. 14. Hen. 4. 2. 4. H. 6. 17. But things certain are not arbitrable but when the submission is by specialty, if they be not ioyned with others incertain: as debt with trespas, 4. H. 6. 17. 2. H. 5. 2. 12. R. 2. Dyer 33. H. 8. f. 51. pl. 14. Sect. 33.

But chattels reall or mixt are not arbitrable by themselues: as charters of lands, 9. H. 6. 60. 14. H. 4. 24. if the the submission be not by specialty, 19. H. 6. 3. H. 6.

Also an Annuity is not arbitrable, if the submission be not by speciall, 9.H.6.60. 14.H.4.18. 3.H.4.6.

Nor a freehold, 11.H.4.12. 14.H.4.18. and 19. and 24. 54.E.3.16. 12.Ass.pl.26. 21.E.3.15.

Nor debt upon arrerages of account before Auditors, 4.H.6.17. because such debt is due by record, 3.H.4.5. 6.H.4.9.

Also it seemeth, that neither such things as were not in rerum natura at the time of the submission, though they happen to be before the award made be arbitrable: as if the submission be of Ewes with lambe, which after the submission, and before the award made haue lambes, it seemeth they haue no power to make any award touching the lambes.

Matters concerning the Commonwealth seem not arbitrable, as all criminall offences, as treasons, felonies, &c. touching the crime, for it is for the benefit of the commonwealth, that such offendors be made knowne and punished.

Also causes matrimoniall seeme not arbitrable, lest men should separate those whom God hath joyned together.

Circumstances regarded in submission. First that it be in writing.

Sect.34. NOw that we haue set forth the persons and things necessary in euery compromise, it is good to consider such other circumstances as be requisite in the same.

Three things therefore beside the persons and things are mete to be obserued in euery compromise.

First that euery compromise be made by writing with the parties, couenants, or bonds sufficient to binde their heirs & executors to performe the award which shall thereupon be made, that both the arbitrators may know their power, and the parties how far they are subject to their sentence; & also lest their labour and judgement therein should be frustrate for want of meanes to compell the same to be executed.

Of the power given to Arbitrators.

Sect.35. Secondly, it is behouefull that the very compromise arme the Arbitrators with sufficient authority to doe all things necessary for the ending of the controuersies, as to appoint times and places for their meeting, to examine and decide the matter compromitted, and to bring the parties with their proofs, euidences, and witnesses thither together before them, and to punish the persons defective, and to expound and correct such doubtfull sentences and questions as may arise vpon their award inconuenient to either parties, contrary to equity and the arbitrators good meaning; which inconueniences could not by them be foreseen at the making of the award, as it oftentimes happeth: for temporis filia veritas, truth is the daughter of time.

Of

Of time and place.

Thirdly, that by the compromise conuenient time and place bee limitted for the yelding vp of their award to the parties or their attornies, deputies, or assignes, lest the parties should otherwise bee long lingered with vaine hope of an endlesse end, and that the Arbitrators may before the set time finish their award; for whatsoeuer they doe arbitrate after the time appointed is void, 8.H.6.f.18. Sect. 36.

And it is all void that is not contained in the submission, or necessarily depending thervpon, 7.H.6.f.40. 8.H.6.f.18. 36.H.6.f.11. as shall more largely appeare when we come to the doctrine of arbitrements.

The instrument of compromise or submission may be made in form following:

A compromise or submission, with covenants to perform the same.

This Indenture made, &c. betwéen A.B. on the one party, and C. D. on the other party, witnesseth, that the said A.B. and C.D. doe by these presents willingly compromit and submit themselues and either of them, to the award, arbitrement, order, rule, dome, and judgement of E.F. and G.H. arbitrators, indifferently named, elected, and chosen by the said parties, to arbitrate, award, order, decrée, and judge, of and vpon all & all maner of actions, suits, quarrels, debts, accounts, trespasses, controuersies, debates, & demands whatsoeuer, had, made, moued, depending, or accrued, or which might haue béen had, or moued betwéene the said parties at any time or times before the date hereof, except one action of debt, &c. depending betwéene the said parties in the Q. Majesties Court of Common pléas, or before, &c. & except one debt of x.l. due to the said A.B. by the said C.D. for the price of certain corn, &c. and except all lands and tenements of the said A.B. and such like exceptions, &c. So alwayes, that the same arbitrators do make their award, order, and judgement, of and concerning the premisses to be made by writing indented vnder all their hands and seales, on this side, and before the tenth of June now next ensuing, & one part of the same deliuer or cause to be deliuered by the said arbitrators to the said A.B. or his certain Atturny or atturnies in that behalf requiring the same, the said tenth day of June now next comming, at or in the parish Church of R. in the said county of York. And the other part of the said award to the said C.D. his atturny or atturnies, deputy, or Assigne, requiring the same at the said day and place: and so alwaies, that the said arbitrators doe not by the said award order or appoint any act or acts, thing or things, to be done or performed, by, or to any person or persons, other then to or by the said parties to these presents, their heirs, execut. administrat. or assignes, or some of them, and not to or by any estranger or estrangers to this present submission. And the said A.B. Sect. 37.

and

and C.D. and either of them for themselues, their heires, Executors, and administrators, and the heirs, executors, and administrators of either of them, doe by these presents mutually couenant, conclude, promise, and agrée to and with the other his executors & administrators, & euery of them, that neither they nor either of them will at any time hereafter reuoke the authority hereby giuen to the said Arbitrators, nor discharge them nor either of them in the said faculty or power of arbitration. And that they and either of them, and the heires, Executors, administrators, and assignes of either of them, on their seuerall parts, shall and will well and truly obserue, performe, fulfill, and kéepe all and euery clause, sentence, article, submission, and agrément in these presents mentioned on his or their part to be performed and kept, according to the tenor, true intent, and meaning of the same. In witnes whereof the said parties to these presents haue interchangeably set to their hands and seales, the day and yeare aboue written.

Of binding the parties to performe the award.

Sect. 38. OR the parties may submit themselues to award by obligation, with condition according to the effect of the said Instrument of submission, but that séemeth perillous, for that so they may for a trifle hazard the whole penalty of the bond, which were too too mischieuous. Neuertheles if any be willing to aduenture, the parties may be bound either to other, and the condition may be made in form following.

The condition of an Obligation to performe an award.

Sect. 39. THe condition of this Obligation is such, that if the aboue bounden A.B. his heires, executors, administrators, and assignes, and euery of them do on his and on their part and behalf, well and truly stand to, obey, perform, fulfill and kéep the award, arbitrement, order, rule, dome, and judgement of S.T. and W.R. arbitrators, indifferently elected and chosen, as wel on the part of the said A.B. on the one party, as on the part of the aboue named C.D. on the other party, to arbitrat, award, order, and judge, of, and vpon all and all manner of actions, suits, quarrels, debts, accompts, trespasses, controuersies, debates, and demaunds whatsoeuer had, moued, depending, or accrued, or which might haue bén had or moued, betwéene the said parties at any time or times before the date thereof, except one action of Ejectione firmæ, depending betwéene the said parties in the Kings Majesties Court commonly called the Kings Bench, as by the Records thereof in the same court remaining, it doth and may appeare, and except out of this submission, all lands and tenements of the said A.B. (or any like exception.) So alwaies that the same award, arbitrement, order, and

judge-

judgement, of, and concerning the premisses be made by writing indented vnder all their hands and seales before the first day of December now next ensuing, and one part of the same deliuered or caused to be deliuered by the said arbitrators, to the said A.B. or his certain attorny or attornies, deputy or deputies in that behalfe requiring the same the said first day of December now next ensuing, at, or in the parish Church of R. in the said County of Yorke: & the other part of the said award be likewise deliuered by the said arbitrators, to the said C.D. or his certain attorny or attornies, deputy or deputies in that behalfe requiring the same, at the said day and place. And so that by vertue or occasion of the said award neither of the said parties, nor the seuerall heires, executors, or administrators, of them, or any of them be to doe any act or thing, to or by any stranger to the same award and to these presents. And so as the said A.B. doe not discharge the said arbitrators before the said time. That then this present obligation to be vtterly void and of none effect, or else to stand, remain, continue, and be in full strength and vertue.

Of the condition to perform an award of land.

AND if the award be concerning a title to land, the words in the condition may be thus: Sect. 40.

As well, of, for, and concerning the right, title, interest, vse, possession, and demand, of, and in the manor of S. with the appurtenances in S. in the said county of Y. and all lands, tenements, and other hereditaments with the appurtenances in S. aforesaid, in the occupation of the said A.B. and his assignes, as, of, and vpon all actions, trespasses, suits, quarrels, debts, duties, debates, grieues, inconueniences, and demands, had, moued, stirred, or depending, betwéen the said parties, concerning the said manor, tenements, and premisses, or any part thereof. And also, if the said A.B. before the feast of Y. now next comming, doe shew vnto the said arbitrators, all such writings as he hath concerning the said manor and premisses, at such time and place, as the said arbitrators shall appoint for the sight thereof. So alwayes that, &c. vt supra. That then, &c. vt supra.

Whether power to arbitrate may be assigned.

AN arbitrator chosen cannot grant, or assigne ouer his authority of arbitration to any other, 8. Ed. 4. fo. 1. & 9. because it is but a rude power, which is not to be granted ouer: notwithstanding the opinion in 47. Ed. 3. 20. to the contrary. Neither doth the submission extend to giue the arbitrators power to elect others. Sect. 41.

Whether

Whether the Compromittors may diſcharge the Arbitrators, or no.

Sect. 42. AND it ſeemeth that albeit the parties haue agréd vpon daieſmen or arbitrators, yet before the arbitrement made, either of the parties may reuoke the authority giuen to the arbitrators, and diſcharge them thereof. for power may be countermanded, but if the ſubmiſſion be made by bond, then the bond ſeemeth to be forfeited, 5.Ed.4.1. 21. H.6.30. 28.H.6.6. 49.Ed.3.9.

But by Aſhton Juſtice, if two plaintifes and one defendant, or two defendants and one plaintife put themſelues to the award of others, neither the one plaintife without the other, nor the one defen. without the other, may diſcharge the arbitrators, 28.H.6.6. And by Finch 49.Ed.3.9. If the ſubmiſſion be by déed, the diſcharge muſt be likewiſe by déed. So much of ſubmiſſions, arming the arbitrators with power. Now of arbitrements iſſuing from the ſame.

What an Arbitrement is.

Sect. 43. AN arbitrement, or award therefore, arbitramentum, laudum, arbitratus, Libr̃ intratiõ debt in arbitr̃ 2. & 3. is nothing elſe but the very dome, order, and decrée pronounced by arbitrators vpon the controuerſie, for the ending whereof they were choſen by the ſtriuing parties, Dyer 356.10.El.pl̃ 39.

Of things regarded in Arbitrement.

Sect. 44. IN the forme of euery arbitrement, fiue things are ſpecially to be regarded.

Firſt, that it be made according to the very ſubmiſſion or compromiſe touching the things compromitted, & euery other circumſtance, as is ſaid, 9.Ed.4.44. Plow. 396.a.

Secondly, that it be a finall end of the controuerſies compromitted, 19.H.6.36. 21.Ed.4.38.

Thirdly, that it appoint either party to giue or doe vnto the other ſome thing beneficiall in apparance at the leaſt, 43.Ed.3. 28.Dyer 356. 19.Eliz.pla.39. 12.H.7. 39.H.6.9. 22.Ed.4.25.7.H.6.40. 19.H.6.36. 10.H.6.19.

Fourthly, that the performance thereof be poſſible, 22.H.6.46.8.Ed. 4.1. & 9. 17.Ed.4. 5.H.7.

Fifthly, that there be a meanes how either party may by law attain vnto that which is awarded vnto him, 5.Ed.4. & 24.17. Ed.4.5. 18. Ed.4.22. & 23. 5.H.7.23.

For if it faile in any of theſe points, then is the whole arbitrement void and of none effect, as it doth manifeſtly appeare by theſe ſpeciall caſes following. As,

An

An award that the parties shall obey the arbitrement of A. B. is void, for power cannot be assigned, 8. Ed. 4. 19.

An award that any of the parties shall be bound, or do any other act by the advice of the arbitrators, is not good, because they cannot make severall awards, 18. Ed. 4. 22. 23. but that the parties shall be bound, or make an assurance by the advice of counsell is good, 18. Ed. 4. 22. & 23.

Arbitrement that the parties shall be nonsuit in actions, is not good, for every award ought to be a satisfaction to the parties, and a determination of things compromitted, so as one party haue amends, but when one hath bin nonsuit, he may begin again, 19. H. 6. 36. 21. E. 4. 38.

But an award that the parties shall make discontinuance and retrarits of their suits, is good, 21. E. 4. 38. 5. H. 7. 22.

If the submission be of diuers things, and the award only of some part of them, yet is the award good, for that part notwithstanding, as if the submission be of all actions reall and personall, and the award of actions personall only: and it be de jure & possessione, and the award is only de possessione, 19. H. 6. 6. per cur', notwithstanding the contrary opinion of Prisot, 39. H. 6. 9.

An award that an action shall be sued betwéen the parties, by the advice of A. and B. is good, for that A. and B. in this case are not arbitrators, but executors of the award, yet quære, for it is uncertain whether they will giue advice, or no, 8. Ed. 4. 1. & 4.

Arbitrement that the plaintife shall pay to the defendant x. l. and release to him all actions. And that the defendant shall release to the plaintife all actions, is good, 20. H. 6. 18. & 19.

Arbitrement that either party shall release to other all actions, and that because the one hath trespalled more then the other, he shall pay to the other x. s. is good, 20. H. 6. 18. & 19.

Arbitrement that either party shall goe quite against other, is good, 20. H. 6. 18. & 19. 10. H. 6. 14. 19. H. 6. 36. 22. H. 6. 39. Dyer 356. 16. Eliz. pla. 39. 21. H. 6. that it is not good, if the submission were by parol, 9. Ed. 4. 8.

An arbitrement in trespalle is not good, if it award not something to the plaintife for amends, 43. Ed. 3. 28.

In trespalle of goods taken, it is no good award, that the defendant shall retain part of the goods, & the plaintife haue the rest, 17. Ed. 2. 16.

In debt of x. l. it is no good arbitrement, that the plaintife shall retaine the one moity, and the defendant haue the other, 45. Ed. 3. 16.

In trespas, award that if the defend. will wage his Law, that he is not guilty, that then he shall goe quite, and that the plaintife shall release vnto him, séemeth good, 46. Ed. 3. 17.

Award,

Award, that for ſomuch as the one hath done more treſpaſſe then the other, therefore he ſhall giue him a peny for amends, and that the other ſhall goe quite againſt him, is good, 19.H.6.3.6.

By Priſot, if two ſubmit themſelues to arbitrement of all treſpaſſes &c. and it is awarded, that the one ſhall make amends to the other, and nothing is awarded for the others benefit, this award is void, 7.H.6. 40. 39.H.6.9. 22.E.4.25. So if it were that the one only ſhall goe quite againſt the other, for an award muſt be finall, obligatory, and ſatisfactory to both parties, 7.H.6.40. 19.H.6.36. 20.H.6.18.

Award in treſpas of goods taken that the defendant ſhall carry and redeliuer the goods taken to the plaintife, is good, 12.H.7.14.& 15.

Award that the one party ſhall pay xx.s. or enfeoffe, &c. is good, and the performance of either ſufficeth, 21.H.6. 22.H.6.52.

An award that one of the parties ſhall do an act to an eſtranger, is void, if the parties be not bound, 22.H.6.46.

Or if an award be to pay x.li. to an eſtranger, it is void, for how can he pay the ſame, if he will not accept it, 22.H.6.46. 8.Ed.4.1.& 9.

Or if the award be that he ſhall cauſe an eſtranger to enfeoffe the other party, for he hath no meane to compell the ſtranger, 17.Ed.4.5. So if it be awarded that he ſhall be bound with ſureties, 18. Ed.4.22. 23.5.H.7.23.

Arbitrement that money ſhall be paid at a day to come, is good, for the party may thereof haue an action of debt after the day, if it be not paid accordingly, 20.H.6.12. 5.Ed.4.7. But award to doe any other thing at a day to come, is void, if the ſubmiſſion be not by ſpecialty, becauſe the party hath no meanes to compell his aduerſary to performe it, 5.Ed.4.7.& 24.

An award is void (as is ſaid) if it neither be executed, nor any means by law for the execution thereof: as if it be awarded, that the one ſhall pay to the other xx.li. this is good, for he may recouer the ſame by action of debt. But if it were awarded that the one ſhould deliuer to the other an acre of land, or do ſuch like act executory, it were void, if it be not deliuered ſtraight way, or prouiſion made by bond, or otherwiſe to compell the performance thereof according to the award, 19. H.6.36. 20.H.6.12. 5.Ed.4.7. 19.Ed.4.8.

Thus much of the doctrine of Arbitrements, now of their ſeuerall formes.

An Arbitrement, or award of lands, by which the party couenanteth to performe it.

Sect.45. THis Indenture made, &c. betwéen T.R. &c. of the one party, and L.M. of &c. of the the other party, Witneſſeth, that whereas there hath

hath bẽn, and yet is contention, variance, and suit betwixt the said parties not only for and concerning the right, title, and interest, of and in a certaine quantity of ground, by estimation two acres, or thereabout lying in B. and adioyning to the Mill of the said T. R. in T. aforesaid, claimed by either of the said parties to be his own land and inheritance: But also for and concerning certaine waies to the Mill of the said T. through the ground of the said L. from all the Townes, Villages, Hamlets, and other places in the North side of the riuer of D. bordering, lying, and being within the space of 5. miles of the said Mill, and all other matters and controuersies betwixt the said parties. For the friendly ending and appeasing of which said variances & controuersies, the said parties haue compromitted and submitted, and by these presents do compromit & submit themselues, and all matters in variance aforesaid, to the order, arbitrement, award, dome, and iudgement of F. W. and T. W. Whereupon the said Arbitrators hauing viewed the said ground in variance, and perused diuers writings and euidences concerning the same, and heard the testimony and witnesse of diuers ancient men and neighbors dwelling nigh the said ground, as well touching the occupation and vsage of the said ground by the said T. R. and his ancestors, as also the said waies vsed vnto the said Mill, by the inhabitants aforesaid time out of mind, do make & declare their award, order, dome, and iudgement touching the premisses and euery part of them.* And the said T. R. and L. P. do couenant and grant seuerally either of them, to and with the other, for themselues, their heires, executors, and administrators, in manner and forme following. And first the said Arbitrators doe order, award, and iudge, And the said L. P. is so contented and agréed, and accordingly doth couenant & grant, for him and his heires, to and with the said T. R. his heires, &c. that he the said T. R. shall and may frõ henceforth haue, hold, occupy, and quietly enjoy to him and his heires for euer, the said parcel or quantity of ground, containing by estimation two acres, lying and being on the North side of the riuer of D. directly ouer against the said Mill, and demesne lands of the said T. R. in T. aforesaid, as it is now bounded and meared forth with stones by the said Arbitrators. And shall also haue, and may take to his and their owne proper vse all the trées now standing or being, or that hereafter shall grow in and vpon the said ground, & all other profits and commodities comming of and vpon the said ground (only the thornes, briars, and herbage, excepted and forepised) with frée liberty, entry, and passage, for the felling, hewing, leading, carrying away, and taking of the same trées, and all other the said profits and commodities (except before excepted) at all and euery time and times hereafter, at his and their pleasure. And

that the said T.R. his heires and assignes, and all & euery other person and persons, that shal come & bring any corne to the Mill of the said T. R. called T. Mill, from the said towns, villages, hamlets, or any other place inhabited, shall haue free liberties, waies, and passage for the carrying, fetching, and bringing of their corne to the said Mill, as well ouer and through the said parcel of ground set forth and meared as is aforesaid, as also through and ouer other the grounds of the said L.M. in K. aforesaid, in as ample and large manner and forme, as the inhabitants of the said townes, villages, and hamlets, or other places haue bin accustomed and vsed to do at any time heretofore, and as it is now most commonly vsed. * And shall and may tye and fasten any their horses, mares, or other beasts, wherewith they carry any corne to the said Mill, to any tree growing, or other thing, being in and vpon the said ground, so that the string, cord, or rope, exceed not the length of foure whole yards at the most. * And that the said T.R. his heires and assignes, shall & may lawfully at all & euery time and times, so oft as need shal require, amend & repaire all and singuler the ways, and euery part thereof, for the ease, safegard, and passage of the inhabitants of the said towns, villages, hamlets, & places inhabited, comming & going to and from the said Mill, without any let, trouble, vexation, or contradiction of the said L.M. his heires or assignes, or any of them. And that the said L.M. his heires or assignes, shall at all times within the space of two yeares next ensuing the date hereof, make, knowledge, and suffer, or cause to be made, knowledged, and suffered, all and euery act and acts, thing or things, as shall be reasonably deuised or aduised by the said T.R. his heires or assignes, or his or their learned counsell, at the only proper costs & charges in all things of the said T.R. his heires or assignes, for the further and better assurance and sure making as well of the said parcel or quantity of ground, containing about ii. acres, as also of the said waies, in manner and forme before expressed, vnto the said T.R. his heires & assignes for euer, according to the true effect, meaning, and purport of these presents: In consideration whereof it is further ordained, awarded, deemed, and iudged by the said Arbitrat. * and the said T.R. doth so couenant, &c. that he the said L.M. his heires and assignes, shall and may haue, take, and enioy onely the grasse and herbage, with the thornes and briers yearely growing, or being in, or vpon the said parcell or quantity of ground so bounded or set forth, as is aforesaid. And in further consideration of the premisses, the said T.R. hath paied to the said L.M. at the insealing hereof, at the request of the said Arbitrators, the summe of xx.li. &c. * In witnesse whereof, not onely the said parties to these present Indentures of award interchangeably haue put their seales, and subscribed their names: but also

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the ſaid Arbitratoꝛs to both the parties of theſe Indentures, haue put their ſeales, and ſubſcribed their names the day and yeare. &c.

An other Arbitrement of debt, where the parties are bound to performe it.

TO all true Chriſtian people, to whō this preſent writing of award indented ſhall come, G. W. G. N. S. S. and T. N. of &c. ſend greeting in our Lord God euerlaſting. Whereas diuers ſuits, &c. betweene T. W. & I. S. of &c. For pacifying, ordering, and ending whereof, the ſaid T. W. & I. S. haue bound themſelues either to other in the ſum of M. li. of lawfull Engliſh money, by the ſeuerall obligations bearing date, &c. with conditions thereunder written, to ſtand to, &c. ut ſupra, of the ſaid G. I. S. & T. Arbitratoꝛs indifferently elected and choſen, as well vpon the part and behalfe of the ſaid I. S. as of the ſaid T. W. to award, arbitrate, oꝛder, rule, iudge, end, and determine, all & all manner of ſuits, debts, actions, controuerſies, debates and demands whatſoeuer, depending betweene the ſaid I. S. and the ſaid T. W. and W. W. his ſon and heire: ſo that the ſaid award were made and giuen vp in writing vnder the hands and ſeales of all the ſaid Arbitratoꝛs, at oꝛ beꝛoꝛe the &c. at &c. as by the ſaid obligations and conditions amongſt other things doth and may appeare. * Know you now, that the ſaid G. I. S. and T. taking vpon them the charge & burden of the ſaid award, and hauing deliberately heard the grieſes, allegations & pꝛoofs of both the ſaid parties, doe by theſe pꝛeſents, arbitrate, award, oꝛder, deeme, and iudge of and concerning the pꝛemiſſes in maner & foꝛm following, that is to ſay, * Firſt they doe award, oꝛder, deeme, and iudge by theſe pꝛeſents, that the ſaid I. S. his executoꝛs, oꝛ adminiſtratoꝛs, oꝛ ſome of them, ſhall well and truly pay oꝛ cauſe to be payed vnto the ſaid T. W. oꝛ his certaine Atturney, executoꝛs, oꝛ adminiſtratoꝛs, oꝛ ſome of them at oꝛ beꝛoꝛe the &c. at oꝛ in the &c. C C. li. of &c. and at oꝛ beꝛoꝛe the, &c. other C C. li. of &c. in full ſatisfaction of C C C C. li. For paiment whereof the ſaid I. S. ſtood bound to the ſaid T. W. in and by foure ſeuerall obligations, whereof two are already foꝛf. as thereby may appeare. * Alſo the ſaid Arbitratoꝛs do award, oꝛder, &c. that the ſaid I. S. his executoꝛs and adminiſtratoꝛs, oꝛ ſome of them, at their oꝛ ſome of their coſts and charges, ſhall beꝛoꝛe the &c. cauſe and pꝛocure, that all ſuits, bills, plaints & infoꝛmations heretoꝛoꝛe commenced againſt the ſaid T. W. in any Court oꝛ courts whatſoeuer, either by oꝛ in the name of the ſaid I. S. oꝛ by oꝛ in the name of H. S. his ſon, oꝛ by oꝛ in the name of our ſoueraigne Lady the N. Majeſty that now is, and of euery oꝛ any of them, oꝛ by oꝛ in the name of any other perſon oꝛ perſons, by the conſents, meanes and pꝛocurements of them, oꝛ any of them, ſhall thence-

Sect. 46.

forth surcease, and be no further proceeded in by them, nor any of them or by the meanes, consent or procurement of them, or any of them. And before the, &c. be vtterly discontinued and made voide. * And the said Arbitrators doe further award, order, deeme & judge by these presents, that for the sure payment of the said sum of CCCC. li. the said I.S. and G.S. within two dayes next after tender or deliuerie of the one part of this present award to the said I.S. shall dwell and sufficiently make, seale and deliuer as their deeds to the said T.W. in &c. one obligation or writing obligatory sufficient in the Law, wherein & whereby the said I.S. and G.S. shall acknowledge themselues, and either of them to be iointly and seuerally bounden to the said T.W. in the sum of CCCC. li. of, &c. with condition thereupon in due forme of Law indorsed for the sure paymēt of the said sum of CC. li. parcell of CCCC. li. at or in the, &c. before, &c. And the other CC. li. resi due of the said sum of CCCC. li. at or before the &c. and at, &c. * Also the said Arbitrators do further award, &c. that the said I.S. his executors or administrators or some of them, shall and will before the, &c. at his and their own proper costs and charges, cause and procure to be cancelled and made void one recognisance of CC. li. bearing date the &c. knowledged and enrolled in the Q. Majesties high Court of Chancery, wherein and whereby the said T.W. standeth bounden to the said I.S. in the said sum, with condition thereunto annexed, that if the said T.W. his heires, executors, and administrators, and euery of them, should well and truly obserue, performe, fulfill, and kēpe all and euery the couenants, grants, articles and agrēements, which on his and their parts were to be obserued, performed fulfilled and kept, conteyned and specified in one indenture, bearing date the &c. had and made betweene the said T.W. on the one partie, and the said I.S. on the other partie, concerning the marriage of W.W. son and heire apparant of the said T.W. & I.S. daughter of the said I.S. according to the true intent, purport & effect of the said indenture: That then the said recognisance to be void, and of no effect, or else to stand, &c. as by the said recognisance and indenture more plainly and at large appeareth. * And also that the said I.S. his executors, or administrators, or some of them, shall, and will before the feast of, &c. deliuer, or cause to be deliuered vnto the said T.W. his executors, or administrators, or some of them, in the said now dwelling house of the said T.W. aforesaid, the said indenture of couenants concerning the foresaid marriage, cancelled or to be cancelled. In witnesse whereof the said Arbitrators to both parts of this present award indented, haue set their hands and seales. Dated, &c.

An Arbitrement or award of debt made by an Earle upon submission by bond.

TO all true Christian people, to whom this present writting of award indented shall come, The right Hon. G. Earle Marshall of England, &c. sendeth greeting, &c. Whereas diuerse suits, variances, controuersies, & debates, heretofore haue bin had, moued, & depending, betweene T. G. of T. in the county of Y. yeoman, on the one party, and F. Y. of D. in the said county gentleman, on the other party: for pacifying, ordring, and ending whereof, the said T. G. & F. Y. haue bound themselues either to other in the sum of CCC. li. of, &c. by their seuerall oblig. bearing date, &c. now last past, with condition there vnder written, to stand to, abide, performe, fulfill, and kéepe the award, order, rule, doom, judgment and determinatiõ of the said earle indifferently elected and chosen by the mutuall consent, and at the earnest & humble request and petition of both the said parties, to arbitrate, award, order, iudge, & determine of, for, and concerning all and all manner of actions, suites, quarrels, debts, duties, and demands whatsoeuer, had, moued, or depending, or which hereafter might be had, moued, or depend betweene the said parties, by reason of any matter, thing, or things whatsoeuer, accrued, or grown from the beginning of the world, vntil the day of the date of the same obliga. so that the same award were made in writing indented, vnder the hand & seale of the said earle before the xix. day of &c. & the one part of the same writting indented, deliuered, or caused to be deliuered by the said earle to the said T. G. to his executors, &c. or any of thē, or to their, or any of their vse, vpon, or before the said xix. day of &c. at, or in the new mansion or manor house of the said Earle, called S. in &c. and the other part thereof to the said F. Y. &c. ut supra, as by the said oblig. and conditions therof doth & may more at large appeare. *Know you now, that the said earle of his meere good will and fauour which he beareth to both the said parties, and of the great and honorable respect, which he hath of their future quietnesse, taking vpon him the charge and burden of the said award, and hauing deliberatly at sundry times at large heard, and considered the grieues, allegatiõs, and proofs of both the said parties, doth by these presents arbitrate, award, order, déeme, and judge, of and concerning the premisses in manner and forme following, viz. *That the said F. Y. his &c. or some of them, shall well and truly pay, or cause to be paid vnto the said T. G. his, &c. or some of them, the summe of Clx. li. of &c. in the &c. in manner and forme following, viz. vpon, &c. lxxx. li. thereof, and vpon, &c. other lxxx. li. thereof residue, and in full payment and satisfaction of the said summe of Clx. pound. * And that in consideration thereof, the said T. G. shall permit, and suffer all suits actions, quarrels, debts, duties, and demands,

Sect. 74.

demands, growne before the date of the ſaid obliga. to ceaſe, and be diſcontinued, and no further proſecuted by him, or any other by his procurement. * And furthermore, forasmuch as the ſaid F. M. is charged, as is aforeſaid, for the payment of the ſaid ſum of Clx.li. partly by reaſon of a iudgement heretofore giuen for the ſaid T. G. againſt one L. S. in the Q. maieſties Court, commonly called the Kings Bench, in action of debt, in which the ſaid T. G. hath recouered againſt the ſaid L. S. CClxxv.li. and iiii. d. as by the record thereof remaining in the ſaid Court appeareth. His honor doth further award by theſe preſents, in reliefe and eaſe of the ſaid F. M. that if the ſaid F. M. his &c. or any of them, do well and truly pay, or cauſe to be paied, the ſaid ſum of Clx.li. according to the true meaning of this preſent award. And if the ſaid L. S. his heires, &c. or ſome of them ſhall not well and truly ſatisfie, content, and pay vnto the ſaid T. G. his, &c. the ſaid ſeuerall ſummes aboue in this award appointed to be paid by the ſaid F. M. before the ſeuerall dates herein aboue mentioned: That then and at all times after any ſuch default of paiment ſo to be made by the ſaid L. S. his, &c. the ſaid T. G. his, &c. ſhall permit and ſuffer the ſaid F. M. his executors and adminiſtrators, and euery of them, at the coſts and charges of the ſaid F. M. his executors and adminiſtrators, effectually to proſecute, or cauſe to be proſecuted all and euery ſuch execution and executions vpon the ſaid iudgment ſo had for the ſaid T. G. againſt the ſaid L. S. as to them, or any of them, or the learned counſell of them, or any of them ſhal ſeeme good. And all and euery ſumme and ſums of money thereby to be obtained, to take and conuert to the onely proper vſe and behalfe of the ſaid F. M. his executors and adminiſtrators, without any account, recompence, or payment thereof, or therefore to be yelded or made to the ſaid T. G. his, &c. or any of them: any thing in this preſent award contained, &c. notwithſtanding. * In witneſſe whereof, the ſaid Earle to both the parts of this preſent award hath ſet his hand and ſeale, Dated, &c.

All ſuch couenants and conditions as be uſually made for the aſſurance or enjoying of lands or tenemẽts, goods, and chattels, may be inſerted into awards, as ſhall ſeeme good unto the Arbitrators or parties.

Of notice of the Arbitrement.

Sect. 48. AND when the Arbitrators haue made their award, according to the ſubmiſſion, albeit perchance they be not bound to giue notice thereof to the parties, yet it ſeemeth very requiſite, that they ſhould in due time, before that either partie be to performe any part thereof, notifie the ſame vnto them, leſt otherwiſe they might breake their bonds or couenants in that behalf (if any ſuch be) before they know the ſame. Notwithſtanding, that the booke in 8 E. 4. 1. & 9. be doubtfull in that point.

The

The finall cauſe and effects of Arbitrements.

AND thus, by that which hath bin diſcourſed, it ſufficiently appeareth (as we thinke) that the ſcope and end of Arbitrements, and other Iudgements, is all one: And chiefely, the finall determination of ſtrife, ſuit, and controuerſie, 19 H. 6. 36. And ſo conſequently their effects be almoſt equall. But the lawes ſéeme more fauourable to Arbitrements then other Iudgements, inſomuch, as by Arbitrators the ſtrict courſe and tedious ceremonies of Law ſuites (which are moſt commonly wont to wearie ſuitors, and picke their purſes) are cut off and ſhorter decitions by them made, with little or no coſt at all. Sect. 49.

We deferre to ſhew how Arbitrements may be pleaded in barre of other actions, vntill we come to their fit place amongſt our preſidents of pleadings, and ſo end this Treatiſe.

An award made by an Arbitrator touching Copyhold Land, betweene an Alderman of London, and another.

TO all Chriſtian people, to whom this preſent writing of award indented ſhall come, H. M. of Lincolnes Inne, in the Countie of Middleſex Eſquire ſendeth gréeting in our Lord God euerlaſting. Whereas ſuit, variance, and debate heretofore hath béene, and yet is had, moued, and depending, aſwell in the Quéenes Maieſties Court of Requeſts, as in diuerſe other Courts, betwéene R. H. Citizen and Alderman of London of the one party, and R. E. of B. in the Countie of M. yeoman of the other party, of, for, and concerning the right, title, vſe, intereſt, and poſſeſſion of diuerſe lands, tenements, and hereditaments, with the appurtenances, lying and being in B. within the Manor or Lordſhip of M. within the ſaid Countie of M. and containing by eſtimation about two hundred acres of land, meadow, paſture, and wood, commonly called or known by the name of Herbines Land: for the appeaſing, finall end, and determination of all which ſaid ſuites, variances, and debates, the parties aforeſaid haue ſubmitted and compromitted themſelues to ſtand to, obey, and performe the arbitrement, ordinance, dome, and iudgement of me the ſaid H. M. Arbitrator, indifferently elected, named, and choſen by both the ſaid parties, indifferently to arbitrate, order, déeme, award, and iudge, as well of, for, and concerning the eſtate, right, title, intereſt, vſe, and poſſeſſion of all and ſingular the ſaid premiſſes, and euery part and parcell thereof, as alſo of, for, and vpon all manner of actions, ſuites, quarrels, debts, debates, treſpaſſes, and demaunds whatſoeuer, heretofore had, moued, ſtirred or depending betwéene the ſaid parties, from the beginning of the world vntill the twentieth day of November laſt paſt, as by their ſeuerall writings obligatory, wherein Sect. 50.

either of the said parties stand bound to the other of the same parties in the summe of ℂℂ.li. bearing date the said xx. day of No. and made for the true performance of the said award, more at large it doth and may appeare. Whereupon the said H. T. hauing taken vpon him the charge and burden of the said arbitrement; And hauing present before him both the said parties, and hauing also very aduisedly and deliberately weighed and considered the titles, claimes, allegations, and proofs, of either of the said parties to the said premisses; And vpō sight and due consideration of all the euidences, writings, & proofes shewed and made before me the said H. T. by both the said parties, doe award, arbitrate, order, dæme, and iudge of the premisses in maner and forme following: that is to say, First, I the said arbitrator do award, dæme, order, and judge, that the said R. E. or his heires at all times within three yeares next ensuing the date of these presents, vpon lawfull and reasonable warning by the Steward, Baylise, or Réeue of the said manor of T. for the time being, shall at the next Court so to be holden, then next after such warning had, surrender and giue vp into the hands of the said R. H. his heires or assignes in open Court, according to the custome of the said Manor, to the vse of the said R. H. and his heires for euer all and singular the aforesaid lands, tenements, and hereditaments, hereafter in these presents mentioned, expressed, and declared: that is to wit, one mansion or dwelling house, wherein the said R. E. now dwelleth, with all edifices and buildings, &c. And furthermore, I the said H. T. doe award, ordaine, dæme, and judge by these presents, that the said R. H. his heires or assignes at the said Court, where, and when the said surrender shall be so made, shall assure and conney vnto the said R. E. or to his heires, that shall so surrender the premisses as aforesaid by copy of Court roll, according to the custome of the said Manor, or otherwise, as by the said R. E. his heires and assignes, or any of them, or by his or their learned counsell shall be reasonably deuised or aduised, and at the proper costs and charges of the said R. E. his heires and assignes, not altering by the said assurance or assurances so to be deuised or aduised, as is aforesaid, any custome, liberty, or jurisdiction of the said Lordship, manor, or other the premisses with all and singular the said Lands, Tenements, and hereditaments, and all other the premisses, with their appurtenances whatsoeuer, before by these presents ordred and iudged to be surrendred as is aforesaid (4. acres of land now in the occupation of, &c. parcell of the premisses to be chosen by the said R. H. &c. onely excepted and foreprised.) To haue and to hold the same lands, tenements, and all other the premisses with the appurtenances (except before excepted) vnto the said R. E. and to his heires males incorrupt within the fourth de-

gree

grée of conſanguinity, accoꝛding to the ancient cuſtome of the ſaid Manoꝛ. And if it happen that the ſaid R. E. do deceaſe beſoꝛe the ſaid ſurrender made, as is aſoꝛeſaid, Then to haue and to hold the ſaid pꝛemiſſes with the appurtenances to the heirs of the ſaid R. E. which ſo ſhall ſurrender the ſame, and to his heires males incoꝛrupt within the fourth degrée of conſanguinity, &c.

An award reciting that either of the parties ſtand bound to other to performe the award. And that the award is made before the prefixed time in the Obligations, and with the full conſent of both the parties.

TO all Chꝛiſtian people, to whom this pꝛeſent wꝛiting indéed of award ſhall come, R. W. & R. C. ſend gréeting in our Loꝛd God euerlaſting. Know ye that whereas variance, ſtrife, debate and controuerſie hath heretoſoꝛe been had, moued, & ſtirred betweene A. B. of C. and D. E. of F. of, foꝛ, and concerning the right, title, intereſt, vſe, poſſeſſion and occupation of, &c. foꝛ the appeaſing & ending whereof, either of the ſaid parties by their mutuall aſſents, conſents and agreements, haue ſubmitted, compꝛomitted, and bound themſelues either to other by their ſeuerall wꝛitings obligatoꝛy, bearing date, &c. in the ſum of, &c. to ſtand to, abide, obey, obſerue, perfoꝛme, fulfill and keep the award, arbitrement, oꝛdinance, doom, and judgement of vs, &c. Arbitratoꝛs indifferently elect and choſen, betweene the ſaid parties, of, & foꝛ the pꝛemiſſes, as by the ſaid ſeueral obligations with condition foꝛ the perfoꝛmance thereof moꝛe at large appeareth. Whereupon we the ſaid Arbitratoꝛs taking vpon vs the labour, buſines & charge of the ſame award, and willing to ſet the ſaid parties at a finall peace, vnity and concoꝛd, foꝛ and concerning the pꝛemiſſes, haue by good aduice & deliberation, ſeen, heard, and thꝛoughly examined both their titles, allegations, euidences and pꝛoofes, in and to the ſaid pꝛemiſſes, and thereupon beſoꝛe the day and time appointed vnto vs by the ſaid Obligations, foꝛ the making, giuing vp, & finiſhing of the ſaid award, we the ſaid Arbitratoꝛs by and with the full aſſent, conſent, and agreement of both the ſaid parties, do make, publiſh, declare and giue vp this our pꝛeſent award betweene the ſaid parties, of, foꝛ and concerning the pꝛemiſſes, in maner and foꝛme following. Firſt, we award, oꝛdaine, deeme, and iudge that, &c. Alſo we award, &c. And finally we award, oꝛdaine, deem, and iudge, &c. In witneſſe whereof, we the ſaid Arbitratoꝛs, and alſo both the ſaid parties to the award, haue interchangeably put our hands and ſeales, the tenth day of May, in the twentieth yeare of the raign of our Soueraign Lady Elizabeth, by the grace of God of England, France, and Ireland, Queen, Defendoꝛ of the Faith, &c. Sect. 51.

SYM-

SYMBOLEOGRAPHY,

Of the Chancery, Proceedings in the ſame, *and Supplications, Bills,* and Anſwers.

The Chancery.

Sect. 1. SEeing, by Gods fauour, we intend ſomewhat to diſcourſe of the manner proceeding in Chancery Suits, and to ſet downe ſome preſidents thereof, to the performing whereof, it ſeemeth requiſite firſt to vnfold the nature of Equity, conſcience, and the rigour of the common Lawes of this Realme, as the proper obiect or matter whereabout ſuch Suits are for the moſt part occupied, to the intent it may with the more facility be vnderſtood, how, and when ſuch Suits are fitly to be taken in hand. Therefore we will firſt ſpeake of Summum jus, (which oftentimes preciſely regardeth the very letter and words of the Common Lawes:) For remedy whereof, parties grieued, pray aide of this honourable Court of Chancery, to bridle extremity, and reduce ſuch rigour to Equity and Conſcience.

Of ſtrict or preciſe Law, which is called Jus ſummum.

Sect. 2. ARiſtotle calleth it exact or preciſe Law, becauſe that, if it haue no allay in it to qualifie the harſhneſſe and ſeuerity of it, it is vnpleaſant and ſowre in taſte, and repugnant to Equity.

And Budæus ſaith, that this word (ſtrict and preciſe Law) is a word which amongſt the Ciuilians, ſignifieth very hard Law, exact and full of rigor, and almoſt vnjuſt; for they that write of the Law, make theſe words, ſtrict Law and Equity, oppoſite the one to the other: thus far Budæus. The Lawyers do alſo term it, Jus ſubtile, ſubtill Law. Other Lawyers do term it, Summum jus, law in the higheſt degree, or moſt exact, and it is ſo taken of them, when men ſtand more vpon the letter of the law, then vpon the meaning of the writer, or maker of the law. In which behalfe, it ſo falleth out oft times, that vnder a colour of know-

knowledge of the Lawes, many grosse and dangerous errors be committed, Corasius Missel. lib. 1. cap 8. Nu. 12.

Oldendorpius diuideth this Jus summum, or Law in the highest degrée, into two branches: the one proper, the other improper.

Law in the highest degrée, so properly termed or taken, is an vndoubted and infallible rule of honesty, which may generally without exception be put in execution in any common weale, whether it be originally grounded vpon the law of Nature, or vpon the Law of Nations: For examples whereof you may take all the rules and principles of the Law, for these rules and principles of the law, do in their kinde, most strictly and exactly define and bound out the matter which they handle, barely, and nakedly, without any regard of circumstances of the fact that may fal out, of which sort of rules are these. Kéep thy word, hurt no man: these are generall rules of Law in the highest degrée, so righteous and full of justice in their kinde, that by the Law of Nature it selfe, better and more right full cannot be giuen, Lib. 1. F. de pactis.

But here you sée no respect had to any circumstance, of your word, or hurting, for this point belongeth to Equity, or the Court of Conscience, which with vs is called the Chancery, as the case may fall out: and the law in the highest degrée, being thus properly taken, is wrongfully termed by the common sort of men, wrong in the highest degrée: for to speake generally, and at a word, it is the fullest reason that may be, whether naturall, or rationall, so far is it from being to be rightfully taken wrong, vntill it be stretched, and as it were set vpon tenture hookes, to be drawne to some inconuenient circumstance of the fact: as when a man doth couenant or giue his word to do some dishonest fact, or hurtfull and dangerous to the Common wealth. In which case, if a man should wrest this rule of Law, Kéep thy word, in stead of doing right in the highest degrée, he should commit injustice in the highest degrée: not because the law hath any fault in it selfe, but because through his error, and cauelling with the law, he worketh wickednesse, not judging aright the circumstances of the fact, wherein law and right standeth, Li. Si. F. de pactis.

Law in the highest degrée improperly taken, is so termed, when by an ouer rigorous and hard interpretation it is drawn to inconuenient kinds of facts, or by colourable agréements is drawne to frustrate the good meaning of the law, L. Incivile cum L. seq. F. de legibus. Many examples hereof we haue in the law: as it is a law, that no man shall be forced against his will to commence or maintain any suit or action: Now put the case that J. S. is wrongfully impleaded by J. N. who hath framed a cunning action full of glorious shew against him the said J. S. But J. N. finding in conclusion that he is not able to proue

and

and make good his action, becommeth nonsuit, I. S. prayeth remedy of the Iudges against this wrongfull veration of I. N. and he the said I. N. in defence of this wrongfull veration, vrgeth this rule of Law, that no man is compellable to maintain an action: shall he be heard in this case? No saith Iustinian, this false glose of I. N. is not to be suffered or born withall. This term or word of law in the highest degree being thus taken, we may well say, that law in the highest degree is wrong in the highest degree. For the more subtilly that a man doth argue, and the more authorities he heapeth together, to inforce such a law, so much the more and greater wrong and injustice shall be done.

Of Equity.

Sect. 3. EQuity is that which is commonly called equall and good and sometime equall and just, and sometime equall, just, Lib. 1. & Pen. F. de Justitia et jure, l. si et jus F. certum petatur. Arist. termeth it Epieices, and other terme it Epieicean, which is as much to say, a mitigation, or moderation of the law written, in some circumstance, either of the things themselues, of the persons, or of the times. Law (saith Donatus) is that, that maketh all things streight, and not pliable to the one, nor other. Equity is that, that dispenceth with many points of the law. Oldendorpius saith, that Equity is nothing else, but a sound or vpright will or judgement of an honest man, nothing crafty or subtile, so measuring out to euery man that that is his, that in the meane while no man is wronged, as appeareth most elegantly in l. bona fides. I. Incurrit F. depos.

Equity as some other say, is a reasonable measure, containing in it selfe a fit proportion and rigor, so that it differeth from Law in this, that Law is a determinate sentence set downe according to the rules of the Law: But equity is a certain proportion and allay, vpon good occasions setting on side the common rules of the Law, and so they call it a ruled kinde of Justice, allayed with the swætnesse of mercy.

Equity is diuersly termed in the Law, sometime it is very significantly called a Conueniency, because it ministreth amongst men, a fit proportion, answerable to the persons, the matters, the places, and the times. Sometimes, plain dealing is called Equity, which is opposite to the dealing of man by nice points of the Law. Sometime it is taken for naturall Justice, or the Law of Nature. Sometime it is taken for Law that is opposite to forged and deuised law. Sometime it is taken for Religion, &c. And to be short, Equity is the correction or amendment of a good Law, which is defectiue in some part, by reason of the generality of it.

Of

Of the diuision of Equity.

EQuity is twofold, written and not written, for Equity may be vsed both in schoole, and places of Iudgement two wayes: the one, by taking good heed, how, and in what sort, Princes and Lawyers haue obserued Equity, in making and setting downe of Lawes, appointed to be rules and squares of mens actions: so that if at any time any case falleth out, which is in all points answerable to the Law, void of any different circumstances, which might require some change or alteration of the Law, they may accordingly frame their iudgements, being sure and out of doubt, that the law of Equity is already chalked out of them. Sect. 4.

Another way Equity is to be practised in these particular facts, which daily fall out, and haue no certain line and square set out for thē in the Lawes already made, so that we must be forced to deliuer our iudgements in them, according to certaine circumstances, applyed as nerely as we can, to the principles of our Law. And herein standeth the greatest vse of Equity, most fit for common weales: and therefore we may well call it an vnwritten Equity, not because we are at our liberties to define and determine of it, without due regard had to the Law written, but because it taketh some liberty not to binde it self to the generall rules of the Law.

Of the efficient cause of Equity.

GOd is the efficient cause of Equity, who hath so disposed of the nature of mankinde, that we are not in any wise able to set down a certain rule for future things, and yet hath bestowed vpon vs so much knowledge, as whereby we may frame certain generall rules of honest life, which may serue for directions in all particular actions and facts, daily and hourely falling out amongst men, if they be duely and carefully examined by the rule of Equity, which hath her eye cast vpon all ordinary circumstances. Sect. 5.

Of the materiall cause of Equity.

THe Law of Nature, the Law of Nations, and good manners, are the materiall cause of Equity, for a well minded man, and of sound iudgement will make of these three an wholsome and very medicinable mixture for any State and Common wealth. But the matter whereabout this Equity must occupy and busie her selfe, are the affaires of men, infinite as they fall out. For right or law will be rightly ministred, if as matters fall out, the circumstances thereof duely considered, the ministers of the Law doe frame their Iudgements accordingly. Sect. 6.

Of

Of the formall cause of Equity.

Sect. 7. THe formall cause of of Equity is the matching and leuelling of facts falling out, and the circumstances thereof, with the rules of the Law, as buildings are framed to Carpenters lines and squares.

Of the finall cause of Equity.

Sect. 8. THe finall cause of Equity, or effect is, to kæp an equality amongst the state of men, who are at much ods and squares amongst themselues, to the end the Common wealth may be preserued in safety, which standeth for the most part in righteous judgements.

Why Equity is sometimes compared to a rule.

Sect. 9. NOt vnfitly is Equity termed the rule of manners: for as by a rule the faults of a building are so discouered, so doth Equity judge aright, both of the written law, & also of all mens actions & behauiours: and therefore such as are ministers of Iustice, apply and frame their judgements, after the square and rule of good & legall, that is to say, of Gods Law, and the Lawes of Nature. Against which Laws, what judgements soeuer be giuen, cannot be but vnjust and vnrighteous.

How Equity and Clemency differ.

Sect. 10. THere is a difference betwæn Equity and Clemency: for Equity is alwaies most firmly knit to the will of the Law, which way soeuer it bends, whether to Clemency or to seuerity. But Clemency is only proper to the Prince, or those Magistrats, that haue like power of administration of Iustice, as Princes haue.

Of the difference between Equity and strict Law.

Sect. 11. STrict Law and Equity differ herein, that strict Law doth set down in a generall sort what it enacteth, and is seuere, & not to be moued one way or other: it taketh order for things, once for all: the grounds & principles which it bringeth forth are vniuersal & full of seuerity and sharpnesse, from which rules it will not start aside, no not the breadth of an haire. But Equity is fitly compared to a Shoemakers shop that is well furnished with all sorts and maner of lasts for mens fæt, where each man may be sure to finde one last or other that shall fit him, be he great or small. It is not also vnfitly compared to an Apothecaries shop stored with all kind of drugs, fit for all the maladies & diseases of men. Which drugs notwithstanding, in case they should be vnskilfully compounded together, would in stead of healing, worke present death to the patient that should receiue them: for it requireth the industry and exquisite

quisite art of a good Physitian, to make a right composition, discerning and tempering by just proportions good venims from euill. In like sort in affaires both publike and priuate, equity doth particularly and carefully examine the causes, the times, the circumstances, the sorts and differences of persons, and matters, and by former iudgement giuen in like cases, gathereth and frameth an absolute and perfect deciding and determining the matter presently in question and sute.

And S. German to the like effect saith, Equity is a righteousnesse tempered with mercy, which considereth all the particular circumstances of the déed, Doct. & Stud. lib. 1. c. 16.

This Equity, saith he, must alwaies be obserued in euery law of man, and in euery maxime or generall rule thereof, for that mens acts are so diuerse & infinite, that it is impossible to make any generall law which may aptly méet with euery particular act, and not faile in some speciall case. Therefore Law-makers do foresée things which may oft happen: insomuch as strictly to obserue the word and tenor of the law, were in some cases put against iustice and the commonwealth. Wherfore in such cases we must stick fast to that which reason & iustice require, which is, that equity may mitigate rigorem juris, which equity is no other thing, then an exception of the law of God, or of the law of reason, from the generall principles of mans positiue law, not agréeing with them in some particularity, which exception is inwardly implyed in euery generall ground or maxime of the Law. And yet taketh not away the very right, but substituteth right in stead of that which by the only letter of the law séemeth to be right, & is not. Neither may we therefore accuse the law of cruelty, which (as is said) generally taken, is good of it self, & not cruell, though it reach not fully to euery particular circūstance of mens actions. And therefore if a law were made, that no man vnder the pain of death, should open the gates of a City before the Sun rising, yet he who for sauing the citizens flying from their enemies to the same gate, openeth them before that time, offendeth not the intent and equity of that Law, D. S. lib. 1. c. 6. Or if a Statute were made, that whosoeuer doth such an act should be put to death; yet if one of non sanæ memoriæ, or any infant of tender yeares, which wanteth discretion, do such an act, they shall not therefore suffer death. Or if a statute were made, that whosoeuer receiueth or aideth with meat, drink, or otherwise, I. S. an offendor knowing his offence, shal be accessary thervnto as a felon, yet if his wife knowing his offēce receiue and aid him, she shall not thereby be a felon: For in the generality of such Statutes, madmen, infants, and his owne wife are not intended to be included, but excepted by implication. By all which we may gather, that the outward words of the law onely are not the law,

but

but the inward sence and meaning thereof: For our Laws (as all other laws) haue two parts, that is to say, the flesh & soule. The letter resembleth the flesh, the intent and reason, the soule: Nam ratio legis est anima legis. The Law may be compared to a Nut, whereof the letter resembleth the shell, the sence the kernell, and as the profit of the Nut is not in the shell, but in the kernell, so the fruit of the Law is not in the letter, but in the sence: and as he which resteth vpon the shell leseth the fruit of the nut, so he which stayeth vpō the letter wanteth the profit of the Law, for the letter is sometimes larger, and sometimes narrower then the intent which Equity regardeth, Plo. 9. b. 465. a.

And Bracton of Equity writeth thus: Equitas est rerum convenientia quæ in paribus causis paria considerat jura, & omnia bene coæquiparat. Et dicitur æquitas quasi æqualitas, & vertitur in rebus, id est, in dictis & factis hominum. Lib. 1. c. 4. Sect. 35.

How the Chancery is termed the Court of Conscience.

Sect. 12. AND forsomuch as this Court bridleth the rigour of the Common Law, by giuing actions and exceptions for remedies where by Law none were, according to equity and conscience, to maintaine æquum & bonum, the common people terme the Chancery the Court of Conscience: yet herein conscience is so regarded, that Lawes be not neglected, for they must ioyn hands in the moderation of extremity, Diverse. Cur 105. Nam ipse etiam leges cupiunt ut jure regantur, id est, ut levi, facili, ac benigna interpretatione temperentur, vereq; dicitur, Nullus recedat à Cancellaria sine remedio, 4. H. 7. 4.

Of Conscience.

Sect. 13. THis Conscience is defined, Reliqua in hom rationis scintilla, bonorum, malorumq; factorum, index & judex: igitur & bipertita ea, approbatio. sc. & opprobatio, illa in bene, hæc in secus factis. Justus Lipsius lib. civilis doctriñ cap. 5. for thus,

Conscientia est tacitum animi infallibileque facti nostri judicium, à communi Justitiæ formula, quam Deus insculpsit omnibus hominibus, productum, p q aut accusatur res mala aut defendit bona, Oldendorpius, Corasius in Miscel. lib 4. c. 20.

Conscience is an actuall applying of knowledge to some particular act of man, as S. Germaine saith, Doct. & Stu. c. 15. And Synderesis, which is termed a naturall power of the soule, perswading good and disswading euill, D. S. lib. 1. c. 13. and is nothing else but attenta observationis occasio cum omnibus circumstantiis ejus, *Thucia lib. 7.* and ministreth the generall principles of that knowledge, Vere igitur dicitur, Conscienc' ver̄ nisi adhibeat, Judex non pot causam sedm æquitatem,

tatem, definire, si mille testes totidemq; videat ob oculos instrumenta: Conscientia enim (cum mille testium vim obtineat) certa est, non fallitur. At in probationibus sæpe vel error, vel dol° versat̃, sicut experientia heu nimis frequens nos docet. *Oldend.*

Of Iudgements in Chancery.

SO great is the power, jurisdiction, and majesty of this Court, that Iudgements therein giuen are not to be controuled or reuersed in any other Court, then the high Court of Parliament, which is the chiefest of all other Courts in this Realme, Diver̃ Cur̃ 105. 37 H.6.14. Sect.14.

Of the power ordinarie of the Chancery.

AND this Court is armed with twofold power, that is to say, with power ordinarie and absolute, 9 Ed.4.15. Sect.15.

By ordinary power the Lord Chancellor proceedeth as at the common Law, as in proceeding vpon Recognizances there knowledged, and traverses of offices, in which parties are to plead and joyn issue as at Common Law. And so in suit against or for, Clerke of the Chancery, and other persons priuiledged by Attachment there for matter of action remediable by the Common Law, &c. But when they be at issue the Record must be transmitted into the Kings Bench, to be tried by Jury. And when it is so tried, it must be remaunded into the Chancery, that judgement may be there giuen, and execution had vpon the same, 24 E.45. 14 E.47. 8 E.4.6.

Of the power absolute of the Chancery.

THe absolute power is not tied to the rules of the Common Law, but by that matters may be examined omnib° viis et modis quibus rei veritas melius sciri poterit, and judged scdm allegata et probata, and not by Jury of 12. men, as at the Common Law. But by examination of witnesses, as in the courts of the ciuil law, Smith de repub. Angli. 2. ca. 12. Diverſ. Cur̃ 106. 9 E.4.15. Neither is such precise forme of pleading vsed in the Chancery, as at the Common law, nor any aduantage to be taken for mispleading, or want of forme, so as the substance of the matter be sufficiently disclosed in conscience, Diverſ. Cur̃ 106. 9 E.4.15. 24 E.3.45. 14 E.4.7. Sect.16.

Diuers other speciall authorities and priuiledges hath the Lord Chancellor by sundry Statutes, as thereby appeareth. And partition made in the Chancery rendring rent is good, and may well be sent into the Kings Bench, and execution thereupon made by Scire facias, 37. H.6.43. li. Ass. 32. And if lands be recouered from a woman whereof she was endowed in the Chancery, she may haue a Scire facias there to be newly endowed, 29 Ass. 23.

Of a Subpœna.

Sect. 17. And seeing the ordinary meanes to cal and bring in the parties to answer in this Court, is either by the Serjeant of the mace, as before, or by Subpœna, which only is the original proces of this Court, and must be directed to the parties, Doct. St. li. 1. c. 17. Smith de repub. Angl li. 2. ca. 12.

Causes remediable in the Chancery.

Sect. 18. Having thus perused Equity and Summum jus, with their differences, and also what Conscience is, whereupon suites in this Court do chiefly lye: It seemeth good now specially to consider such speciall causes as be remediable in Chancery, and for which a writ of Subpœna lieth there, as in cases following.

A Subpœna lieth in no case but where the common Law faileth, so as the partie who in equity hath wrong, can haue no ordinary remedy by the course and rules of the common Law, 39 H. 6. 26. 7 H. 7. 11. as in these cases following, and such like.

As if the K. by his letters patents giue vnto A. goods forfeited to his highnesse by treason, A. may sue for the same in Chancery, 30 H. 5. 6.

And it seemeth if one Executor alone release debt due to the testator, his companion may thereof haue remedy in Chancery against his Coexecutor onely, if no couin be in the debtor: but if there be, then against them both, 4 H. 7. 4. Diverſ. Cur 106.

And by Moyle, if a Quare impedit by two Coparceners, the one make a false plea of couin betweene him and the defendant, then his companion by suit in the Court, may inforce him to joyne with him in a true count, 6 E. 4. 10.

If lands in ancient demesne extended by statute Marchant, be recouered by common recouery, the cognizee hath no remedy but in conscience, 7 H. 7. 11.

If feoffees in trust, commanded by cestuy que use to enfeoffe his vendee, refuse to doe it, a Subpœna lieth for the vendee against them. 37 H. 6. 36.

If cestuy que use deuise by his will, that his feoffees make an estate to I. S. for life, the remainder to H. in fee, and I. refuse to take his estate, H. after the death of I. may by Subpœna compell the feoffees to make estate to him accordingly, per Jenny et Finch, 37 H. 6. 36.

Tenant in borough English enfeoffeth A. to the vse of the feoffor and his heires, and die, his yongest son shall haue a Subpœna and not the eldest, for the vse is of the nature of the land, 5 E. 4. 7.

If a man make a feoffement in trust of lands descended to him ex parte matris, and dye without issue: his heire ex parte matris may haue a Subpœna, 5 E. 4. 7.

If a man make a feoffement to perfoꝛme his will, & after to infeoffe his heires, and declare his will foꝛ yeares, and die, hauing iſſue a ſonne and a daughter by one venter, and a daughter by another venter, the ſonne dieth without iſſue befoꝛe the will be perfoꝛmed, his ſiſter of the whole blood is to haue execution of the eſtate by the feoffees, foꝛ poſſeſſio fratris de feodo (of an vſe) facit ſororē eſſe hæredem, and the will foꝛ yeares is no impediment of the poſſeſſion: but otherwiſe if it had bēn eſtranketenement by the Reporter, 5 E.4.7.

If A. ſeiſed in fee to the vſe of a woman, who taketh an husband, and he ſelleth the land to B. foꝛ money, which the wife receiueth, and A. at their requeſt infeoffe the vendee, the husband dieth, the wife may haue a Subpœna againſt the vendee, hauing notice hereof, oꝛ elſe againſt the feoffee foꝛ recompence: foꝛ this is the ſale of the husband only, 7 E.4.14.

If P. know that W. is infeoffed to mine vſe, oꝛ of my will, oꝛ hath goods giuen to him to mine vſe, and buy the lands oꝛ goods foꝛ money, a Subpœna lieth againſt the vendoꝛ and vendee to perfoꝛme the will oꝛ vſe, 5 Ed.4.7. 11 Ed.4.8. Diverſ. Cur̄ 106. But againſt the vendoꝛ onely if the vendee haue no ſuch notice, Diverſ. Cur̄ 106.

A man by Subpœna may inforce his feoffee of truſt to bring actions in their names, 7 E.4.29. as treſpaſſe againſt treſpaſſoꝛs, 11 E.4.8. yet if the feoffee had releaſed to the treſpaſſoꝛ, Ceſtuy q̄ uſe had bin remedileſſe, 11 E.4.8. oꝛ Aſſiſe, 2 E.4.2. oꝛ treſpaſſe oꝛ goods giuen to his vſe taken away, 7 E.4.29. But not an appeale of robbery, becauſe they be not compellable to ioine battaile, 7 E.4.29.

If a feoffement be made to the chiefe Loꝛd, oꝛ others, to vſes, he may refuſe to execute the eſtate foꝛ extinguiſhing of his Seigniozy, and no Subpœna lieth againſt him, 16 E.4.4.

The heire of the feoffee in truſt being in by diſcent, is compellable by Subpœna, to execute an eſtate accoꝛding to the truſt, 22 E.4.6.

If a wife will that her feoffees ſhall infeoffe her husband, hee may not compell them thereunto, foꝛ the will of a wife in this caſe is void, 18 E.4.11.

If A. be bound to F. to the vſe of C. C. in Chancery may compell F. to ſue A. foꝛ the ſame, 2 E.4.2.

If R. deliuer money to A. to deliuer to his executoꝛs oꝛ adminiſtratoꝛs to diſpoſe, &c. and A. deliuer the ſame vpon bond to B. to keep and redeliuer to him, R. dieth, his executoꝛs oꝛ adminiſtratoꝛs may in Chancery compell A. to ſue the obligoꝛs foꝛ the money, 4 E.4.37.

If P. be bound in a ſtatute ſtaple to J. & H. to the vſe of J. and H. releas to P. no Subp. lieth againſt P. notwithſtanding that he had notice of thoſe, foꝛ euery man may lawfully aide himſelfe, 11 E.4.8. Diverſ.

Cur 106. The like of an Obligation to two, to the vse of one, the remedie is against him that did so release, Diverſ. Cur 106. 11 E. 4. 8.

If A. be bound to B. to the vse of C. and B. release, C. may haue remedie therefore in Chancery, 7 H. 7. 11.

If a man pay debt due by ſpecialtie without an acquitance, or haue an acquitance, and loſe it, he ſhall haue remedy in Chancery, 22 E. 4. 6. 7 H. 7. 11. But it ſeemeth to be otherwiſe, if the debt be by matter of record, for elſe might all records be anoided by witneſſes which would deſtroy the common law, 22 Ed. 4. 6. Diverſ. Cur. 106. Doct. & Stu. li. 1. ca. 12.

A Subpœna lieth on a promiſe or agreement by word: as to build a houſe, or to do any other lawfull act, 8 Ed. 4. 4. Diverſ. Cur 105.

An action lieth againſt Executors in Chancerie vpon a ſimple contract without ſpecialty, 7 H. 7. 11.

If there be two obligors, and the obligee giue longer day of payment to the one of them, and ſue the other, he may haue a Subpœna, 6 E. 4. 41.

If goods be giuen to defraud creditors, they may haue remedy in Chancery againſt the donées, or ſuch as haue the poſſeſſion of the goods, 16 Ed. 4. 9.

If a man be ſuretie for anothers debt, and the debtor and others bee bound to ſaue the ſuretie harmeleſſe, and the ſuretie haue alſo goods deliuered by the debtor to ſaue him harmeleſſe: notwithſtanding the ſuretie pay the debt, yet if he ſue his obligation, the debtor may haue a Subpœna for reſtitution of his goods ſo pawned for the ſame, leſt hee ſhould be twice charged therefore, 16 Ed. 4. 9.

If a man buy a debt due by obligation, and be bound to pay a ſumme of money to the vendor for it: yet foraſmuch as the thing ſold is chofe in action in the vendee he can haue no propertie, and therefore hath not quid pro quo, the vendee may be relieued in Equity for his owne Obligation, 37 H. 6. 13.

And for euidence, whereof the plaintife knoweth neither the certaine contents nor contentment, he may haue remedie in Chancery, Diverſ. Cur. 105.

Learne whether if a tranſitory perſonall action be ſued in a forreine Countie, the defendant may ſtay the plaintife in Chancery by Injunction, Diverſ. Cur 106.

So neceſſary be the remedies in the Chancery vpon equities allowed by Law, that it ſeemeth to ſome not inconuenient to haue aſſigned ſuch remedies for the 7. ground of the Lawes of this Realme, which are ſaid to conſiſt of 6. grounds onely: firſt, the law of reaſon, 2. The Law of God: 3. Generall Cuſtomes of the Realme: 4. Principles or Maxims of Law: 5. Particular cuſtomes vſed only in certaine places of

of this Realme, 6. Acts of Parliament, Doct. & Stud. lib. 1. c. 3, 4, 5, 6, 7, 8, 9, 10, 11. & 17.

If a man bound in a single obligation or bill of debt, pay the money according to the bond, neither taking an acquittance thereof, nor cancelling the specialtie of the same, he is by the common law chargeable to pay the same debt againe, by vertue of the said specialty: But may haue remedy thereof in the Chancery. Doct. et Stud. li, 1. c. 6. 1, H, 7. fol. 14.

A view of certaine cases wherein the partie grieved seemeth wronged in conscience, and yet is remedilesse in Chancerie.

OF an vnjust wager of Law in an action of debt vpon a simple contract, Doct. & Stu. li. 1. c. 18. Sect. 19.

Of a false verdict by a grand Jurie in Attaint, D. et St. li. 1. c. 18.

For damages where a man hath right or title to land in the possession of another, and may by action recouer onely the land, but no damages: for the meane occupation there is no remedy for the same damages in Chancery: As if the tenant in taile be disseised, and the disseisor die seised, and his heire is in by discent, against whom the issue in taile bringeth a Formedon, he may recouer the land, but no damages, Doct. et Stud. li. 1. cap. 19.

A man may not deny that which he hath once affirmed of record in a Court of Record, nor affirme that which he hath once denied of record in a Court of Record, nor that whereof he wilfully estopped or excluded himselfe by deed indented, or otherwise: And if a daughter which is sole heire to her father sue liuery with her bastard sister, she is remedilesse by law, Doct. et Stu. li. 1 cap. 19.

If a thing be found by verdict against truth before iudgement, Do. et Stu. li. 1. ca. 19.

Where the cause of the Law ceaseth, the Law also ceaseth in conscience. As lesse for yeares recouereth by judgement treble damages for a trespasse of waste done by an estranger, And he in the reuersion dyeth before his action of waste be ended, yet in conscience he ought to sue execution for his single damages, for hee had no more hurt thereby, Doct. et Stu. li. 1. cap. 19.

A Law grounded vpon a false presumption, is not to be holden in conscience, Doct. et Stu. li. 1. cap. 19.

Conscience may not preuaile against a lawfull Custome, either generall or particular: As in discents of lands to the eldest sonne by the common Law, to the youngest by Borough English: and to all by Gauelkind, Doct. et Stud. li. 1. cap. 19.

So if a man without consideration make a deed of a feoffement of 2. acres of land, lying each in a seuerall shire, and make liuery of seisin in the one acre only in the name of both, that wherin liuery of seisin was made, only passeth in Law and conscience, Do. Stu. li. 1. ca. 20.

If one joyntenant of a wood sell the wood, and keepe all the money receiued for it wholly to himself, his fellow may haue remedy in Chancery, lib. 1. cap. 19. And so it seemeth, if they were joyntenants in common, or coparceners of other things.

If a common person of his meere motion without other consideration make a feoffement of a mannor, without these words (with the appurtenances) he hath right onely to the demeanes and commons, and rents of the attornement: but neither to Aduowson appendant nor villein regardant. But in the Kings case, notwithstanding the words (with the appurtenances) were in the grant: yet neither Aduowsons nor Villeins do passe, either by law or conscience, vnlesse they be especially named, Doct. Stu. li 1. c. 19. 6. Ed. 3. 286. Regist. f. 228. Fundamenta legum, f. 70. 43. E. 3. 22.

If a lease for yeares be reseruing rent, with a clause of reentrie, the rent is behind, the lessor dieth before demand, the heire can neither enter by law nor conscience: Otherwise if he made a lawfull demand thereof, Do. Stu. li. 1. c. 20.

If tenant in Dower sow the land and die before the corne be reaped, her executors shall haue the corne: but not the graſſe, nor other fruits, Do. St. li. 1. ca. 21.

If tenant for life, or tenant in taile after possibility of issue, alien in fee, he in the reuersion or remainder may enter, and haue the land by the forfeiture in law and conscience, Do. Stu. li. 1. ca. 20. 45. E. 3. 3.

Euery law ordained for the disposition of lands or goods, contrarie neither to the Law of God, nor the law of Reason, bindeth in the court of Conscience, Do. et St. li. 1. ca. 20.

Whether one of the age of 20. yeares, who hauing reason and wisdome to gouerne himselfe, selleth his lands for money, and therewith buy other lands of better value, and taketh the profits thereof, may haue his first land againe in conscience, as he may in law, repaying the money which he receiued? It seemeth he may, because the contract is insufficient by reason of the infancy, Do. Stu. li. 1. ca. 21.

If a man sell his land by a sufficient and lawfull contract, though he want liuery or attornement, or such other solemnities of the law, yet the sellor is compellable in the Chancery to performe the contract, Do. Stu. lib. 1. ca. 22.

If the tenant for life impanelled on an Inquest lose issues, and dye, they are leuiable by law on him in the reuersion: & so be the husbands

issues

ſſues after his death vpon the wiues land, and as it ſeemeth in conſcience for the neceſſity of the execution of Iuſtice, Doct. Stu. li. 2. c. 21.

No man is bound in conſcience to pay the penalty of a penall ſtatute, nor other penalty, vntill it bee lawfully recouered againſt him, Doct. et Stud. li. 1. cap. 23.

If A. infeoffe B. in fee of land vpon condition, that if he infeoffe any other, that A. and his heires may enter: this condition ſeemeth void in law and conſcience, becauſe it is contrary to the Maximes of the law, notwithſtanding the intent of the parties, for the intēt muſt be ordred by law, & if it be not, it is void, as by a feoffement of lands without recompēce to A. for euer, he hath eſtate for life only, for want of the word (heires.) And a leaſe to A. and his heires for 20. yeares, ſhal go to his executors, becauſe it is a chattell, & ſo by feoffement without recompence to a man and his wife, and a third perſon, the husband & wife take only the moity, becauſe they are but one perſon in law Do. St. li. 1. c. 24.

A fine with proclamation, and no claime within fiue yeares, extinguiſheth the right of all eſtrangers aſwell as of the parties by law.

And by conſcience alſo, as it ſeemeth, becauſe thereby the right and title is made certaine, and thereby the common wealth more quiet, and it is not contrary to Gods law, Doct. & Stud. 25.

Common recouery with vouchers vpon writs of Entre orderly purſued, and no recouery in value to be had in deed, barre the iſſue in taile in law, 23. H. 8. Br. Taile 23. 14. Ed. 4. 14. & 19. 13. E. 4. 1.

And in conſcience as it ſeemeth, for as the intailes are made by law, Weſt. 2. c. 1. euen ſo by law may they be annulled. And ſuch lawes as concerne right or property to things, and be not contrary to the Lawes of God, or of reaſon, are good in conſcience, Doct. et Stud. li. 1. c. 6.

If a diſſeiſor giue the lands to I. S. in taile, and he granteth vnto the diſſeiſee rent out of the ſame lands, in conſideration wherof the diſſeiſee releaſeth his right, this grant bindeth the iſſue in taile for euer in law and conſcience, becauſe this releaſe doth confirme his eſtate which the diſſeiſee might elſe haue defeated, Do. Stu. li. 1. c. 27. 44. E. 3. 22.

If the body of a debtor that hath nothing, be by iudgement impriſoned, vntill he pay his debt, he ſeemeth remedileſſe in conſcience, Do. St. li. 2. c. 29.

A recouery with vouchers of an annuitie intailed, bindeth the iſſue in taile neither in law nor conſcience, becauſe a writ of Entre doth not lie for an Annuitie, nor any other writ then only a writ of Annuity againſt the perſon of the grantor or his heire, hauing aſſets by diſcent: Or againſt a Corporation, if it be granted to be perceiued out of their coſers, for that an Annuity is no freehold in law, Doct. Stu. li. 1. c. 30. 44. Ed. 3. 5. 2. H. 4. 13. Fitz. Nat. bre. fol. 152.

If tenant in taile be disseised, and die, and a collaterall ancester to the heire in taile release to the disseisor with warranty and die, and the same warranted discend vpon the said heire, he is barred in Law and conscience, D. S. c. 31. 35.H.6.63. 41.E.3.7. 45.Ed.3.23. 19.H.6.59. 15.H.7.9,& 10. 21.H.7.39. 3.H.7.9.

Tenant in taile after possibility of issue is dispunishable for wast by Law and conscience, because he had once inheritance, 45.E.3.3.39. E.3.16.and thereby power to wast without punishment, which power endureth so long as his estate, Do.Stu.li.2.c.1.

If a man be outlawed before he haue knowledge of the suit, albeit the surmised cause of action be vntrue, yet the King may haue his goods by law and conscience, by reason of his disobedience in not appearing, to the hinderance of the effect of Law, for he is bound to take notice of the suit being of record at his perill. And the forfeiture groweth by a generall Maxime made for the necessary execution of Iustice: But it seemeth the defendant may haue remedy in conscience against him, which caused him to be outlawed without iust cause, Do.Stu.li.2.c.3. 21.H.7.7.9.H.6.20.

If an estranger doe wast lands which an other holdeth for yeares, life, in dower, or by curtesie, without the tenants assent, the owner of the reuersion may recouer the place wasted, and treble damages against the tenant, in Law.

And in conscience, notwithstanding that the stranger be insufficient to recompence him for the same, for it is his owne act and folly to take such estate subject to the chance, Do.Stu.lib.2.c.4.

If a reall action be brought by a very lawfull heire, and yet bastardy being pleaded in him, he is vntruly certified by the Ordinary to be a bastard, and so barred, the tenant knowing this certificat to be vntrue, ought not in conscience to retaine the land, yet is there no remedie for him in Law, nor in Chancery, as it seemeth, for that the Bishops certificat is the highest triall that the law affordeth in this behalfe. And euery stranger may take aduantage of this certificat, and no more writs may be awarded for further triall of the truth thereof, for the auoiding of the inconuenience which might happen, if another Bishop should certifie such a bastard to be legitimate, Do.Stu.li.2.c.5.

If a feoffement in fee be made without deed, or a gift in taile, or a lease for life, the remainder ouer in fee: or if a tenant for life grant his whole estate by deed Poll, reseruing rent, in these cases the reseruation is void in law, and there is no remedy therefore but in conscience, Do. Stu.lib.2.cap.9.

Learne whether Executors or Administrators hauing assets, bee compellable in Chancery to make amends for trespasse done by their testator,

teſtator, or to pay debt due by him vpon a ſimple contract, Do. Stu. lib. 2. ca. 10.

If the tenant in fée haue two ſonnes and dye, and I. S. abate, and the elder ſonne make his executors and dieth, and the ponger recouereth againſt the abator, in Aſſiſe of Mortdanceſter the lands and damages from the death of his father, the executors of the elder brother haue no remedie for the damages accrued in his life time, as it ſéemeth Do. & Stu. lib. 1. ca. 13.

Tenant in dower hath no remedy in Equity againſt the alienée of her husband for damages growing betwéene his death and her demand, Do. & Stu. li. 2. ca. 13.

Tenant for life diſſeiſed dieth, his diſſeiſor dieth, his heire entreth, againſt whom the owner of the reuerſion recouereth the lands, but no damages by Law or equity, Do. Stu. li. 2. ca. 13.

If a man ſeiſed of lands knowing that another hath good right thereunto, leuieth a fine with Proclamation, to extinguiſh ſuch right, And maketh no claime within fiue yeares, he is remedileſſe in law and equity, Do. Stu. li. 2. ca. 14.

A man ſeiſed of Lands in fée hath a daughter, ſhe marrieth and hath iſſue, and her father dieth, the husband ſo ſone as he knoweth of his fathers death, hasteth to take poſſeſſion of the land, but before he come to it, his wife dieth, he ſhall not be tenant by the Curteſie of England by law nor conſcience, becauſe he had not actuall poſſeſſion thereof in the life time of his wife, Do. St. li. 2. ca. 15.

If without conſideration a new rent be granted without déed, or a reuerſion without attornement, the grantée is remedileſſe, Do. Stu. li. 2. ca. 15.

A man ſeiſed in fee of lands holden by knights ſeruice, deuiſeth the whole to A. B. the deuiſee thereof is remedileſſe for a third part thereof, for that there is no maxime in law for him, Do. Stu. li. 2. ca. 15.

If the tenant make a feoffement of the Land which he holdeth by priority, and taketh eſtate thereof backe againe and dieth, the Lord of whom he held by priority is remedileſſe, Do. Stu. li. 2. ca. 15.

If the grantee of a rent charge take a feoffement from the grantor of parcell of the lands charged to his own vſe, the whole rent is extinct by the vnitie of poſſeſſion, becauſe ſuch rent is againſt common right: And the law deemeth it his owne folly to accept the feoffement, and neither his ignorance of the deed, nor of the law can helpe him, Do. St. li. 2. c. 16. & 17. Yet Quære in equity, becauſe the grantor himſelfe is priuie to the ſaid feoffement, Do. Stu. li. 2. ca. 17.

A. granteth a rent charge out of 2. acres of land vnto B. and then infeoffeth Y. of the one acre in fee to his vſe, and after Y. intending to extin-

extinguiſh the whole right, cauſeth the ſame acre to be recouered a-gainſt him, by common recouery in a Writ of Entre ſur diſſeiſin in le Poſt, in the name of the ſaid grantée (not knowing thereof) and of another man, who by force thereof entreth and dieth, ſo that the grantée is ſole ſeiſed of all the ſame acre by ſuruiuor, to the vſe of the ſaid H. The whole rent is hereby extinct by Law through the vnity of poſſeſſion, though the vſe bee to H. and it is alſo extinct in conſcience as to the grantor, becauſe he is neither party nor priuy to that by which the extinguiſhment groweth. But Quære whether in conſcience the grantée ought to haue the whole rent of H. who cauſed the ſaid recouery to be ſo had, Do. St. li. 2. c. 17.

If a villein granted for life, purchaſeth lands in fée, and the grantée entreth before the villein alieneth the ſame, the grantée ſhall haue the land for euer as perquiſite, by reaſon of the villein. And this both by Law, 5. Ed. 4. 61. and by conſcience, Doct. Stud. li. 2 cap. 18. Perkins ſect. 94, 95, 96, and 97.

If one haue a villein for yeares, as executor, who purchaſeth lands in fée, the executor by law and conſcience ſhal haue the ſame lands in fée to the behoofe of his teſtator, & they ſhall be déemed aſſets in his hands, Do. Stu. li. 2. c. 18. becauſe he hath them by reaſon of his villein.

If a Lawyer ignorantly or affectionately giue wrong counſel to his client, who followeth it to his trouble and loſſe, yet he is remedileſſe, as it ſéemeth, Do. Stu. li. 2. ca. 19. Therefore it is good to aske aduiſe of none but ſuch as be learned in the lawes, and of good conſcience.

If a man without conſideration giue lands by Indenture to H. and his heires vpon condition, that if he pay not vnto I. S. v. l. rent yearely, that then the ſaid I. S. may enter, &c. which rent is not paid, yet the ſaid I. S. may neither enter by law nor conſcience, becauſe he is neither party nor priuy to the ſaid condition, notwithſtanding the intent of the giuer, for ſuch intent being not grounded vpon the Law is void, Doct. St. li. 2. cap. 20. Plo. 25. B. But the feoffor as it ſéemeth may lawfully reenter, becauſe the words of the Indenture imply a condition in law to that effect, Doct. et Stu. li. 2. cap. 23.

If a man without conſideration confirme the ſtate of his leſſée for life, the remainder to another in fée, this remainder is void in law and equity, becauſe a remainder cannot commence, but at the ſame inſtant that the particular eſtate, whereupon it dependeth, began, Do. St. li. 2. ca. 20. Plo. 25. B. yet the feoffor and his heires in this caſe may enter for the breach of the ſaid condition.

If by a feoffement indented it be agréed that the feoffée ſhal yearely pay to A. B. & his heires a certaine rent, & that if he pay it not, that A. B. and his heire may enter, &c. albeit the feoffée pay not the money, yet may

may neither the said A. B. nor the feoffor enter, for that there is no clause of reentry in the said deed. Howbeit it seemeth he may haue remedy in chancery for the said yearely payment, Do. Stu. li. 2. ca. 21.

If A. promise to giue vnto B. a summe of money, or other thing of meere motion without any consideration, the partie is not bound to performe this promise either by law or in Chancery, because it is nudum pactum, Do. Stu. li. 2. ca. 24.

If A. promise to giue B. x. s. in consideration of a trespasse by him done vnto B. yet A. is not thereby bound in law nor conscience, because this is an accord, for which none action lieth. And notwithstanding this accord, B. may haue his action for the said trespas, because the accord is executorie, Do. Stu. li. 2. ca. 24.

If a man haue one sonne before marriage, and another after, and bequeatheth all his goods to his son and his heire, it seemeth both in law and conscience, that the son borne after marriage shall haue the goods, for he is heire by the common lawes of this Realme, of which the spirituall iudges are bound to take notice, and to giue sentence accordingly of temporall things, Notwithstanding that by the common lawes the other son is legitimate and the testators heire, for the auoiding of the inconuenience which might happen by the contrary iudgements in seuerall courts. In like manner temporall Iudges seeme bound in conscience to take notice of the common law, when they are to iudge spirituall things, and to order the iudgements according to the same, Do. St. li. 2. ca. 25.

Ioyntenants and tenants in common of an Aduowson, must within sixe moneths after auoidance agree and ioyne in presentment of their Clerke. And the eldest sister of the Coparceners must present first, and then the second, by turne, or by such composition as they make thereof, except the youngest coparcener be the Kings ward, in which case the presentment belongeth to the King. And if they keepe not this course of presentment within the six months, they lose their presentment for that time. And the Ordinary may present by Laps both in law and conscience, Do. St. li. 2. ca. 33.

And if the auoidance be by death, cession, or creation, the six months commence at the death, creation or cession, and the patron is bound to take notice therof. And if by resignation or depriuation, then from notice thereof giuen by the Ordinary to the Patron. If by vnion, from the agreement how they shall present, Do. St. li. 2. ca. 31.

The wife suruiuing her husband which toke a lease for yeares, or life in both their names, may lawfully and with good conscience waiue and relinquish it: So may an executor refuse a terme made to his testator, if he haue not assets, Do. St. li. 2. ca. 33.

If A. infeoffe an Abbot by déed indented vpon condition, and the Abbot onely performeth not the condition, the feoffor both in law and conſcience may reenter and haue his land againe as in his former right, Do Stu.li.2.34.

Warrantie Collaterall.

A man ſeiſed of lands in fée hath iſſue two ſons, the elder brother goeth beyond the ſea, and remaineth there vntill it be commonly reported that he is dead, the father dyeth, the yonger brother entreth into his lands as his heire, and alieneth with warrantie, and dyeth without iſſue of his body, leauing no land to diſcend to his next heire, and afterwards the elder brother returneth, and claimeth the lands in his own right, yet is he barred by law and conſcience, for that it is the act of his anceſtor, whoſe heire he is, by whom as he might haue had aduantage to haue had his lands by diſcent from him as his heire, if he had had any, ſo it ſéemeth reaſonable, that for the priuitie of blod he ſuſtaine diſaduantage by him, becauſe both the ſeller and the buyer were ignorant of the elder brothers life and right, by reaſon of his own abſence. Do.Stu.li.2.c.49. Litt. ſect. 704. 705. 707. But if ſuch heire were vouched by force of ſuch warranty, he may enter into the warrantie, as one that hath nothing by diſcent from that anceſtor, and ſo auoid the warrantie.

Debt againſt one as heire.

IF the father bind him and his heires for the payment of a debt, and die, leauing aſſets by diſcent to his ſon and heire, he is bound to pay the debt by law and conſcience, becauſe he hath ſuch benefit by him, Do.St.li.2.c.49. 26.H.8.fol.1. 40.E.3.f.38. 12.E.3.f.9. 13.E.3.

It is agréeable both with law and conſcience, that a man outlawed either in felonie or in actions perſonals, ſhall forfeit and loſe all his goods becauſe it is ordained for the neceſſity of the adminiſtration of iuſtice, Do.Stu.li.c.49. 43.E.3.f.18. 21.Aſſ.12. 39.H.6.f.16. 21.H.7.fol. 7. 49.E.3.f.5. 16.E.4.f.6.

The like is of forfeiture of goods attached by default of apparance as well in Court Baron, as in Courts of Record, 28.H.6.f.3. 4.H.6.f. 29.& 40. 21.E.4.fol.78.

A man is diſſeiſed of lands, the diſſeiſor ſelleth the land, the alienée knowing of the diſeiſin, obteineth a releaſe with warranty from a collaterall anceſtor of the diſſeiſée, who alſo knoweth that the diſſeiſée hath good right and title to haue the ſame lands, that collaterall anceſtor dieth, the warranty diſcendeth vpon the diſſeiſée as his heire without aſſets, yet the diſſeiſée is barred by law and conſcience, for it were inconuenient that ſuch releaſes and other writings ſhould be auoided by ſuch allegations of conſcience, D.St.li.2.c.50. Litt. ſect. 707.

If

If a feme couert being of full age leuy a fine by her husbands compulsion, yet after his death she shall neuer for that cause by Law nor conscience be admitted to auoid such fine, for the inconuenience which might thereof ensue, if by such nude auerments, matters of record should be auoided, Do. & St. li. 2. ca. 50. 7 H. 4. fo. 23.

If goods be wrecked vpon the Sea, that is, where goods bee cast or come into the Sea by Shipwracke, so that no man, dog, or cat, come aliue to the land out of the Ship, or barge wherein they were carried (which is deemed a wrecke, West. 2. c. 4.) and the owner thereof proueth them not to be his within a yeare and a day after such wreck, the the King ought to haue them both in law and conscience, because he is soueraigne head of the people, and owner of the narrow seas, and is to scowre them (as it seemeth) from pirats, and because the property of goods must néeds be in some person, otherwise they would perish, which were against the weale publike, and in this case the first owner of the goods is vnknowne. And the like is it, of an Estray, or Deodand but not of goods voluntarily waiued, or casually lost and found by others, for in these two last cases, the propertie remaineth still in the first owners, Do. & Stu. li. 2. ca. 51. 35 H. 6. fo. 27.

The like seemeth to be where a subject hath wrecks by prescription, 11 H. 4. fol. 16.

Now that we haue partly seene where a Subpœna lieth, and where not, let vs set downe somewhat of the ordinary proceeding thereupon.

Of the ordinary proceedings in the high Court of Chancery.

Sect. 20.

IF the party grieued takes out his writ of Subpœna against the partie or parties offending, which Subpœna is in hæc verba. Jacobus Dei gratia Angliæ, Scotiæ, Franciæ, et Hiberniæ Rex, fidei defensor &c. A. C. salutem. Quibusdã certis de causis corã nobis in Cancel' nostra propositis tibi præcipimus, firmiter injungentes qd omnibus aliis pretermissis, et excusatione quacunq; cessante, in propria persona tua sis corã nobis in dicta Cance' nra à die Paschæ ꝓxim futur in unũ mẽsem ubicunq; tunc fuerit, ad respond' sup hiis quæ tibi obiicientur tũc ibid'. Et ad faciend' ulterius et recipiend' ꝙ Cur nostra consideraverit in hac pte. Et hoc sub pœna centum libr nullatenus omittas. Et habeas tibi hoc breve, Teste meipso apud W. 12. die Febr Anñ reg' nri, &c.

A Subpœna to Answer.

George, &c.

But if the Defendant be a Noble man, then no Subpœna is awarded, but a letter by the L. Chancellor, or Lord Keeper, thus:

After

A Letter to a noble man in ſtead of a Subpœna to anſwer.

After my very hearty commendations to your L. whereas there hath béene of late a bill of complaint exhibited into the Court of Chancery againſt you by H. D. gentleman, I haue thought good to giue you notice therof rather by theſe my priuate letters, than by awarding her Majeſties ordinary proceſſe: Wherefore theſe are to pray your L. to giue order for the taking out of a copy of a bill, and for the putting in of your anſwer thereunto, according to the vſuall courſe in ſuch caſes accuſtomed, at, or before Octab. Hilf next inſuing. Of the which nothing doubting but that your Lordſh. will haue the care and regard which appertaineth, I leaue your L. to themoſt merciful keping of the Almightie, From Saint A. the 9. of May. 1564.

Your very loning friend
Jo. Puckering.

The ſuperſcription,

To my very good Lord, I. L. D. theſe.

Sureties to yeeld damages to the def.

And it is to be noted, that by the ſtatute 15. H. 6. ca. 4. a Subpœna is not grantable without ſureties to yéeld damages vnto the def. if he be vnjuſtly vexed, and it were good to obſerue this courſe, for auoyding of cauſeleſſe and trifling ſuites, to which moſt men be ouer prone.

Coſts for default of a Bill.

Yet if the def. do appeare at the returne of the Subpœna, and no bill be put into the court by the plantife againſt him, then coſts are to be granted for ſuch wrongfull veration. And thereupon hée may haue a Subpœna ad ſolvend̄ for the ſame coſts in forme following.

IAcob' Dei gratia Angl' &c. I. S. ſaluṫ &c. *uſque* firmiter iniũgentes q̄d tu ſolvas, vel ſolvi facias R. N. 40. s. qui p conſiderationē dñi Cancel, vel dñi cuſtod̄ magni ſigilli, & Cur̄ Cancel' noſtr' p̄d̄ eidē R. adiudicaṫ fuer' p̄ miſis & expenſis ſuis quæ ipſe ſuſtinuit ratione & occaſione cujuſdā queremoñ q̄ tu erga eund̄ R. in Cancel' nr̄a p̄d̄ minime proſequ' cum effectu, juxta form̄ ſtaṫ inde ediṫ & proviſ. vel tu ipſe ſis corā nobis

Or thus, p̄ expenſis ſolvend̄.

Quod tu ſolvas, vel ſolvi facias p̄f. R. vj. s. qui eidē R. adiudicaṫ fuer' in Cancel' pred̄ pro expenſis ſuis occaſione injuſte vexatioñ q̄ ipſe nuper indebite ſuſtinuit in quadam billa verſus ipſum R. in eadem Canc' ad proſecutionem tuā nep̄ fact' juxta formam, &c. *ut ſupra.*

Or thus.

Quæ ſuſtinerunt occaſioñ cujuſdam brevis noſtri de Subpœna eis direct' ad ſect' tuam proſecuti ad comparand̄ corā nobis in dicta Cancellar'

cellar' nra ad cert diem jam preteritum, pro eo quod tu ad diem in dict bri content aliquam billa fine materiam versus eos minime exhibueris, vel tu ipse sis, &c. Per Cancell'.

Although the writ import, that the bill is put in before the taking out of the same, yet if the plaintife put in his bill by the returne of the writ it is sufficient, and no further proceese passe. And although the writ mentioned the paine of C.li. or such like, yet if the defend. doe not appeare at the returne of the writ, either by himselfe or his Atturney, the said paine is not forfeited or leuiable, for it is in terrorem tantum, 8.E.4.6.10.H.7.4. Then upon Oath made before some master of the Chancerie for the seruing of the Subpœna, which Oath must be, that it was serued on the defendant himselfe, or at his dwelling house, so that he might haue notice thereof, or that the deponent did see another serue the same, as aforesaid, or that the defendant confessed to the deponent that he was serued, an Attachment shall be awarded against the defendant as is said, in hæc verba.

The time to put in the Bill.

Paine in the writ not forfeited.

Oath for serving the Subp.

Of an Attachment.

Sect. 22.

Iacobus, &c. *ut antea*, vic. South. salutem, Præcipimus tibi qd attach. A.C. Ita qd eum habeas coram nobis in Cancel. nostra in craft. sanct Trinitatis proxim futur' ubicunq; tunc fuer' ad respond nobis tam de quodam contemptu per pref. A.C. nobis illat ut dicitur quam sup hiis quæ sibi objicientur tunc ibid. Et ad faciend ulterius & recipiend qd cur' nra considerare verit in hac parte. Et hoc nullatenus omitt'. Et habeas ibi hoc br. Teste, &c.

Non est inventus returned.

And if the defendant cannot be found upon the attachment, and that the Shirife returne, qd defen non est inventus in balliva sua, sometimes the Court upon motion will (if the plaintifes suit be for the stay of some suit or action of extremity at the common law) stay the defendants suit, untill he hath answered the plaintifes bill, and satisfied the Court for his contempt, but in ordinarie causes the partie procæds to his Attachment with proclamation, which followeth in hæc verba:

An Attachment with Proclamation.

Sect. 23.

Iacobus, &c. Vic' S. salutem, Præcipimus tibi q in omnibus & singulis locis infra ballivam tuam, tam infra libertates quā extra, ubi magis expedire videris, ex parte nostra publice proclamari fac' qd A. B. sub pæna ligeantiæ suæ coram nobis in Cancellaria nostra in octabis sancti Michaelis proxim futur' ubicunq; tunc fuer' personaliter compareat, & nihilominus si ipsum A. B. interim invenire poteris, ipsum attach. Ita quod eum habeas coram nobis in dicta Cancellaria nostra ad diem pdictum, ad respondendum nobis tam de quadam contemptu per

prefat'

pref. A.B. nobis illaꝫ ut dicitur, quam ſuper hiis q̄ ſibi objicientur tunc ibm̄. Et ad faciend̄ ulterius et recipiend̄ qd curia noſtra conſideraverit in hac parte. Et hoc nullaꝫ omittas. Et habeas ibi hoc br̄e. Teſte, &c.

An Attachment in the Cinque Ports.

Sect. 24. REx, &c. pred̄ et fideli ſuo W. Brooke Milit̄ dño Cobham Conſtabulaꝫ caſtri ſui Dovor̄, ac deputaꝫ ſuo in officio cuſtodis quinque portuum ſuorum ſalutem, vobis mandamus qd ſub ſigill̄ offic' veſtri ballivo libertaꝫ villæ de Haſtings, vel Majori vel Juratorib' ad antiquæ villæ detis in mandatis qd attach. H.S. Ita qd eum habeat, &c.

An Attachment in the Countie Palantine of Lancaſter.

Sect. 25. REx, &c. Cancel̄ ſuo ducatus ſui Lanc' vel ejus deputaꝫ ibid̄ ſalut. vobis mandamus qd p̄ br̄e noſtr̄ ſub ſigill̄ nr̄o com̄ noſtri ducatus p̄d̄ vic' noſtro ejuſdem com̄ detis in mandatis qd attach. R.S. Ita qd eū habeat coram nobis in Cancel̄ noſtra in quindena Paſch. proxm̄ futur. ubicunq; tunc fuer̄ ad reſpond̄ nobis tam de quodam contēptu per p̄f. R.S. illaꝫ ut dicitur quam de aliis ſibi tunc ibid̄ objiciend̄, et ad faciend̄ ulterius et recipiend̄ qd cur̄ nr̄a conſideravit in hac parte. Et hoc nullatenus omitt̄ et habeat ibi b̄r̄ qd ſibi inde devenit. Teſte, &c.

The attachment for coſts is of the ſame forme of the attachment next before (verbatim) and is thus endorſed, viz. Per cur̄ ad ſectam A. B. quia non ſolvit expenſ. **And if the Attachment be awarded againſt any dwelling within the Countie Palantine of Cheſter, then it is directed to the Chamberlaine of the Countie Palantine of Cheſter, and is of this forme enſuing.**

Sect. 26. IAcobus Dei gratia Angl̄, Scotiæ, Franc' et Hibern̄ Rex fidei defenſor &c. Camerario ſuo Ceſtr̄, Salutem, Mandam' vobis qd p̄ b̄r̄e noſtr̄ ſub ſigill̄ noſtro com̄ noſtri Palatini Ceſtr̄ detis in mād̄aꝫ vicecom̄ com̄ pred̄ qd attachiaꝫ R.M. gener̄. Ita qd eum habeat coram nobis in Cancel̄ noſtra in quindena Paſchæ proxm̄ futur̄ ubicunq; tunc fuer̄ ad reſpondend̄ nobis tam de quodam contemptu nobis ſper̄ p̄faꝫ R. illaꝫ ut dicitur quam de aliis tunc ibidem objiciendis. Et ad faciēd̄ ulterius &c. omittatis. Et habeat ibi hoc breve. Teſte meipſo apud Weſtm̄ 14. die Mart̄ Ann̄ regni noſtri.

William Cordell.

Ant

And the Attachment is indorsed as followeth:

Per curiam ad sectam I.B. & aliis quia non solvit expens. Endorsment.

The returne of the Attachment by the Chamberlaine.

Responsio Ro. comit Leicestr cameraꝝ com Palantin Cestr.

Virtute istius brīs mihi direct' per brē dnæ reg' sub sigillo com Palantin prædd dedi in mandaꝝ prout ulterius mihi præcipitur vic' comit pd qui mihi sic respondit ut sequitur:

The Sheriffes returne to the Chamberlaine.

Infra nominaꝝ R.M. non est inventus in balliva mea.

Ro. St. Miles vic' com' Cestr.

And if the Sherife returne, quod def. non est inventus in balliva sua, **upon that Proclamation, then a Commission of Rebellion insueth as followeth, to such Commissioners as the plaintife nameth.**

Of a Commission of Rebellion.

IAcobus, &c. dilectis sibi A.B.C.D.E. & F. salutē. Quia A.B cum per publicas proclamationes per vic' South. in diversis locis ejusdem Com virtute brevis nr̄i eidem vicec' direct', ex parte nostra præcept fuerit, q̄ idem A. B. Sub pœna ligeantiæ suæ coram nobis in Cancell' nr̄a personaliter compareret. Mandato tamen nr̄o in ea parte parere manifestè contempsit. Ideo vobis conjunctim et divisim mandamus, q̄ præf. A.B. ubicunq; fuerit invent infra regnum Angliæ tanq̄ rebellem et legis nr̄æ contemptor attach. vel attachiari faciat. Ita q̄ eum habeatis, vel haberi faciaꝝ coram nobis in dict' Cancell' nr̄a in Crastino animarum ꝓxim̄ fut ubicunq; tunc fuerit, ad respondend̄ super hiis quæ sibi objicientur tunc ibid'. Et ad faciend̄ ulterius et recipiend̄ q̄ Curia nr̄a consideravit in hac parte. Et hoc nullatenus omittaꝝ. Dam' enim universis et singul' vicec', Majorib', Ballivis, Constabular, et aliis Officiar, ministris, ligeis, et subditis nr̄is quibuscunq; tā infra libertates q̄ extra tenere presentē firmit in mandatis, q̄ vobis et cuilibet v̄rum in exec' præmissor intendentes sint, et assistentes in omnibus dilig' ꝓut decet. In cujus rei testim̄ has lr̄as nr̄as fieri fecimus patentes, Teste, &c. Sect. 27.

A Supersedeas of the Commission of Rebellion.

REx, &c. dilectis sibi A.B. Armigero, T.G. & H.S. generosis salutem. Licet nos nuper per literas nr̄as patentes vobis conjunctim et divisim mandamus quod T. K. ubicunque invent foret infra regnum nostrum Angliæ tanquam rebellem et Legis nostræ contemptorem attachiaꝝ vel attachiaꝝ fac' ita quod eum habeatis vel haberi fac' coram nobis in Cancellar nr̄a ad certum diem in eisdem Literis patentibus content Sect. 28.

ad reſpondend' nobis tam de quodã contẽptu p̃ pſ. T. K. illat̃ ut dicebatur, quam de aliis ſibi tunc ibid' objiciend', put in eiſd' literis plenius continet. Quibuſd' tamen certis de cauſis nos jam ſpecialit moventibus vobis & cuilibet veſtr̃ mandam⁹ quod cuicunq; execuc' liter̃ nr̃arũ patẽ præd' p̃ vos ſeu aliquẽ v̄m fact' vel faciend' verſus præd' T. K. ſupersedeatis omnino p̃d' literis patẽ in contrar̃ aliqua non obſtant. Et ſi ipſum T. K. prætextu literar̃ patent̃ p̃d' ceperitis ſeu aliquis v̄m ceperit, tunc ipſum à priſoñ qua ſic detinetur ſi ea occaſione & non alia detineatur in eadem ſine dilatione deliberari faciat. Teſte &c.

A Superſedeas to the Chancellor of the County Palatine of Lancaſter.

Sect. 29. REx &c. Cancell' ſuo ducatus ſui Lanc' vel ejus deputat̃ ibid' ſalutẽ: Quia A B &c. vobis mandamus q̃ p̃ breve noſtrum ſub ſigillo nr̃o com̃ ducat̃ Lanc' cuſtodib⁹ pacis noſtræ in dicto com̃ Lanc' ac vic' ejuſd' com̃ et eorum cuilibet detis in mandat̃ &c.

A Superſedeas to the Chamberlaine of the County Palatine of Cheſter.

Sect. 30. REx &c. Camarerio ſuo Ceſtr̃ vel ejus locum tenenti ibid' ſalutem. Quia P. H. &c. vobis mandamus q̃ p̃ breve nr̃m com̃ p̃d' tã Juſtic nr̃is apud Ceſtr̃ quam Juſtic' nr̃is, ad pac' in com̃ Ceſtr̃ conſervand' aſſignat̃, ac vic' ejuſdem com̃ & eorum cuilibet detis in mandatis &c.

A Superſedeas of an Attachment.

Sect. 31. REx &c. vic. W. ſalutem, licet nos nuper per breve noſtr̃ tibi p̃ceperimus qd Attachiares A. R. Ita quod eum haberes corã nobis in cancellar̃ nr̃a ad certum diem in dict' br̃i content̃ ubicunq; tunc foret ad reſpondend' nobis tam de quodam contẽptu p̃ pſ. A. illat̃ ut dicebat̃ qũ de aliis ſibi tunc ibid' objiciend'. Quibuſdam tamen certis de cauſis nos jam movent̃ tibi præcipimus q̃ executioni br̃is noſtri præd' verſus pſ. A. fact' vel faciend' ſupersedeas omnino. Et ſi ipſum A. ea occaſione ceperis, tunc ipſum à priſona qua ſic detinetur ſi ea occaſioñ & non alia detineatur in eadem ſine dilatione deliberari facias. Teſte &c.

Of an Injunction.

Sect. 32. **AND if the party defendant cannot bee taken by the vertue of the ſaid Commiſſion: then if the plaintifes ſuit be for title of land, the Court ſometimes grants an Injunction to the plaintife for poſſeſſion, till the defendant hath appeared, anſwered, and ſatisfied his contempt. If for ſtay of ſuit at the common law, then an Injunction upon motion of the Court may be obtained: for the proceeding in this Court is, by the ſaid writs, and by orders, Injunctions, and decrees, which if the defendant reſiſt, his puniſhment for this reſiſtance, and for this contempt**

Puniſhment for the contempt.

tempt in not appearing, is imprisonment to the prison of the Fleet, as is said, during the Lord Chancellor, or Lord Keeper their pleasure, or untill hee will obey and performe the order and decree of the same Court, 37.H.6. 13. and 14.39.H.6.26.

Of apparance.

But if the Defendant appeare by Atturney, upon Affidavit, or oath made, that the Defendant is not able to travell for the answering of the same cause personally in the Chancery without danger of life, or by reason of extreme age, or other infirmity, or reasonable cause, then or otherwise the Chancellor or Lord Keeper, or the Master of the Rolles by their discretions may, and often do grant Commissions to certaine Gentlemen or credit in the Countrey where the Defendant dwelleth, to receive and certifie his answer in writing, including the Complainants bill within the same Commission. The forme of such Commission ensueth. Sect. 33. Affidavit of unableneſſe to travaile.

Of a Dedimus potestatem, *or Commission to receive an Answer.*

REx, &c. dilectis sibi W. S. & A.B. armig' salutem. Cum I. B. quandam petitionem coram nobis in Cancell' nra versus W.C. & I. uxor ejus nuper exhibuit, quodq; eisdem W. & I. p breve nostr præciperim', quod essent coram nobis in dicta Cancell' nostra ad certum diem jam præteritum, petitioni pd responsur. Ac iidem W. & I. adeo impotentes sui existant, quod usq; Cur Cancell' nostr prædict' ad diem illum ad responsiones suas eidem petitioni faciendas absq; maximo corporum suor periculo laborare non sufficiunt ut accepimus. Nos statui eorund W. & I. pie compatientes atq; de fidelitatibus vestris plenius confidentes, dedimus vobis vel duobus vrm potestatem & authoritatem ipsos W. & I. de & super materia petitionis pd diligenter examinand. Et ideo vobis vel duobus vrm mandamus, quod ad certos diem & locum quos ad hoc prvideritis ad pf. W. & I. accedatis, si commode ad vos laborare non possint, ac ipsos W. & I. de & super materia petit pd sup Sacram sua coram nobis vel duobus vestr corporal' pstand diligenter eximin dictasq; suas responsiones recipiatis & in scriptis redigat, & cum illas sic reciperitis, eas nobis in Cancell' nra pd cum tenore præd ac nomina Attornatorum suorum ad lucrand vel pedend in pmissis in Octab. &c. ubicunque tunc fuerit sub sigillis vestris vel duorum vestr planè distincte & aperte mittatis & hoc breve. Teste &c. Sect. 34.

Which Commission is commonly returned with this indorsement,

Return of the Commission.

Executio istius brevis (or) istius Commissionis patet in quibusam scedulis eidem annexis.

Adding the Commissioners names thus:

W.S.
A.B.

And then to file the said Bill which is sent inclosed in the said Commission, and the defendants answer to the backside of the same Commission. And under the said answer the Commissioners most commonly cause the defendant to subscribe his name, or to set his marke, and set downe thereunder also these or the like words:

Capta apud C. in Com̃ Eborum, 23. die A. Anñ regni Jacobi Dei gratia, Angliæ, &c. coram nobis.

W.S. &
A.B.

The Commissioners subscribing their names also to the said answer.

Delivery of the Commission in Court.

And when this or any other Commission returnable in this Court is executed and returned, it must bee brought into the same Court, either by one or mo of the Commissioners thereof, or by some other credible person: but if any other then some of the Commissioners do put it into the Court,

Oath.

he must take oath that he received the same Commission at the hands of some of the Commissioners thereof, and that by his consent, procurement, or knowledge, it hath not beene opened or altered, since he so received the same.

Of a Supersedeas to stay the execution of a Commission to examine witnesses.

Sect. 35.

And yet sometime upon good cause a writ of Supersedeas is awarded to stay the execution of such, and other Commissions in this forme following.

Rex præd & fideli suo Jo. domino Darcy, Ac dilectis G.F.A.F. & T. R. armigeris salutem. Licet nos nuper p breve nostrum assignavimus vos tres vel duos vestrum, ad quoscunq; testes super quibusd Interrogat in dicto brevi nro inclus. p parte W. W. quer, versus R.M. & I.S. defendentes. Ac q vos examinationes testium præd nobis in Cancel nostram ad certum diem in dicto brevi nostro limitat sub sigillis vestrium vel duorum vestrum mitteritis, put in eodem brevi nostro plenius contin. Quibusdam tamen certis de causis nos ad præsens specialiter moventibus, vobis præcipimus q in executiõ dicti brevis nostri per vos tres vel duos vestrum, ulterius fact vel faciend minime procedatis, sed inter supersedeatis unico dict brevi nostro vobis prius in contrarium direct non obstañ, T. meipso apud &c.

A

A Commiſsion to prove that one who had made Affidavit, *that the defendant was ſo ſick and impotent that he could not appeare in the Chancery, to anſwer the plaintifes bill, and therein depoſed untruly.*

REx prædilecto & fideli ſuo O. domiñ S. John de Bletſoe ac dilecto ſibi Lodovico Dyve R. N. & R. A. armigeř ſalutē. Cum nuper Cur̄ noſtř Cancellař ex parte I. G. milit̄ relatum fuerit & ſuggeſtum erat p ſacram̄ cujuſd̄ R. L. q̄ pf. I. G. craſt. S. Mart̄ ultimo p̄terito ita laboravit adverſa valetudine et adeo impotens ſui extitit q̄ uſque dict' Cur̄ noſtř Cancel' p̄d̄ ad diem illum ad reſponſ. ſuam petitioni R. G. armig' fiend̄ abſq; maxim̄ corpor̄ ſui periculo laborare non ſufficiebat. Et nos veritat̄ expiſcari et veſtigare volentes ut tuiti⁹ et conſultius ꝑ Juſt. in hac parte ꝓcedere valeamus ꝓ vos certiorari volumus, dedimus vobis igitur tribus vel duobus veſtř ac ꝓ præſ. damus poteſt. et auctoritat̄ ſcrutandi, inquirendi, et inveſtigandi tam ſuper articulis et interrogat̄ per antedict̄ R. G. coram vobis tribus vel duobus veſtř deliberand̄ et ad teſtes quoſcunq; miniſtrand̄ quos maxime ꝓ teſtatione præmiſſor̄ for̄ videritis neceſſař coram vobis evocandum. Ac ipſos teſtes et eorum quēlibet tam de et ſuper articulis præd̄ cū cunctis circūſtant' diligent̄ examinand̄, examinationeſq; ſuas in ſcriptis redigend̄ quam omnibus aliis viis, mediis et modis quibus melius ſciveritis, ſeu poteritis utrum præf. I. G. ita languidus fuit ad dict' di'e craſt. Mart̄ q̄ abſq; periculo ſui corpor̄ laborare minime potuit. Et ideo vobis tribus vel duobus veſtrum mandamus q̄ viſis præſent̄ ac tenore articulorum et interrogatorior̄ p̄d̄ per præf. Reginald' miniſtrandor̄ et ꝓ vos plenè intellect' teſtes præd̄ quos in hac parte ut præd̄ eſt fore videritis neceſ. evocetis coram vobis tribus vel duobus veſtrum ad certos dies et loca, quos ad hoc, ꝓ videritis, venireque faciatis, ac ipſos et eor̄ quemlibet de et ſuper veritate præmiſſor̄ ſuper eorum ſacramentis coram vobis corporal̄t̄ præſtand̄ dilig' examinetis, examinationes ſuas recipiatis, et in ſcriptis redigat̄, et tunc cum ſic feceritis nos in Cancell' n̄ra de omni facto veſtr' in hac parte in octab' S. Hillař ꝓxim' futur' ubicunq; tunc fuerit ſub ſigill' veſtř trium vel duor̄ clauſ. reddatis certiores una cum br̄i nobis remittend̄. Teſte rege apud Weſtm̄ 28. die No. an' regni reg. Jac. 3. Sect. 36.

Of imperfect Anſwers

BUt if the defendant appeare perſonally, or by Atturney, and make an imperfect anſwer, then upon demurrer tendered, and motion made in Court by the plaintifes councell, ſhewing the imperfection of ſuch anſwer, an order will be made, that the defendant ſhall make a better anſwer by ſome certaine time, and thereupon it lieth a Sub pœna ad faciend̄ meliorem reſponſum. Sect. 37. Sub pœna to make a better anſwer.

Receiving and joyning in Commiſſion ad examinand' teſtes.

Sect. 38. Replie.

AND when the defendant hath made a perfect anſwer, the plaintife either of his owne accord, or by order in Court muſt reply, or bee diſmiſſed for want of a replication, and ordered to pay to the defendant coſts for his wrongfull vexation, but upon replication put in by the plaintife, the plaintife is to take out a Sub pœna againſt the defendant ad rejungend', & jungend' in commiſſion ad examinand' teſtes, which differeth nothing from the ſaid Sub pœna ad Comparand', but that it is indorſed with theſe or the like words:

Sub pœna ad rejungendum.

Ad rejungendum & jungendum in commiſsione in materia W.S. Naming the plaintife:

Rejoynder.

And thereupon the defendant muſt put in his rejoynder to the plaintifes replication. And if any other matter be in the defendants rejoynder then was in his anſwer, then may the plaintife put in a ſurrejoynder, and thereby anſwer the ſame, and ſo proceed to perfect iſſue, the form of all which hereafter appeareth: And the parties being ſo at iſſue, they either examine their witneſſes before the examiners of the Chancery in Court, or do procure a Commiſſion, ad examinandum teſtes, to certaine perſons of good credit, in forme following.

Surrejonder.

Iſſue.

Commiſſion.

Of a Commiſſion ad examinand' teſtes.

Sect. 39.

JAcobus Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defenſor &c. dilect' ſibi I. F. R. H. armig' R. W. & N. S. generoſis ſalutem. Sciatis quod dedimus vobis, tribus vel duobus veſtrum, poteſtatem, & authoritatem teſtes quoſcunque de & ſuper quibuſdam interrogatoriis tam ex parte W. W. armigeri quer̃, quam ex parte A. M. vid̃ defen̄ vobis tribus vel duobus veſtrum deliberandum diligenter examin. Et ideo vobis tribus vel duobus veſtrum mandamus, qd ad certos dies & loca quos ad hoc provideritis teſtes prædictos coram vobis trib', vel duobus veſtrum venire fac' & evocetis. Ac ipſos teſtes, & eorum quemlibet de & ſuper Interrogatoriis prædictis ſuper ſacramenta ſua coram vobis tribus, vel duobus veſtrum, per ſancta Dei Evangelia corporal' præſtand' diligenter examinetis Examinationeſque ſuas recipiatis, & in ſcriptis in pergameno redigatis. Et cum illas ſic ceperitis, eas nobis in Cancell' noſtram in quindena Paſchæ proximum futurum, ubicunque tunc fuerit ſub ſigillis veſtris trium vel duorum veſtrum claus. diſtinctè & aptè mittatis una cum Interrogatoriis p̃d, & hoc brevi: Proviſo ſemper

ſemper q̄ dict̄ defend̄ habeant p̄monitionē p̄ ſpacium quatuordecim dierū de die & loco executionis hujus Commiſsionis ante executionē ejuſd̄, T. meipſo apud Weſtm̄ 7. die Febr̄ ann̄ regni nr̄i ſecund̄.

The returne of which Commiſſion is commonly indorſed upon the ſame thus:

Executio iſtius Commiſsionis patet in quibuſdā ſcedul̄ eidem cōmiſsionī annexis.

The Commiſſioners names.
W.S.A.B.C.D.

And then to file the interrogatories and depoſitions to the backſide of the Commiſſion, & upon receit of ſuch Commiſſion, the Commiſſioners, or the party which hath the carriage of the ſame, if the day and place for execution thereof be not limited in the Commiſſion do uſe to give notice thereof to the party in writting under their hands thus: Notice of the execution of the commiſsion.

A notice whereby Commiſsioners may give the parties warning of the time and place of their ſitting for the execution of ſuch Commiſsion.

AFter our hearty commendations, whereas we have received his Majeſties Commiſſion forth of his Highneſſe Court of Chancery, to us and others directed for the examination of witneſſes between C. S. plaintife, and W. R. defendant. Theſe are to ſignifie unto you, that for the execution of the ſame Commiſſion, wee whoſe names are ſubſcribed, have appointed to ſit at S. in the County of D. the laſt day of the next moneth, by eight of the clock in the forenoone of the ſame day, which we have thought good to ſignifie unto you, that you may have your Commiſſioners and witneſſes then there ready accordingly, if you thinke it expedient for you. And ſo bid you farewell. 27. Feb. 1609. Sect. 40.

Your loving friends,
A.B.C.D.

Of citing witneſſes.

ANd if ſuch Commiſſion give authority to them, to cite, and call witneſſes before them, they uſe to do it by ſuch a Precept as followeth. Sect. 41.

The precept of Commiſsioners, to bring witneſſes before them to be examined.

By vertue of his Majeſties Commiſſion forth of his H. Court

of Chancery to Sir A. P. Knight, L. B. Esquire, and us, directed for the examination of witnesses betweene G. S. plaintife, and W. R. defendant: These are in his Majesties name to charge and command you, and every of you, whose names are here under-written, personally to appeare before us at S. the last day of this moneth of August, by eight of the clock in the forenoone, then and there to depose your severall knowledges, upon the part and behalfe of the said C. S. And hereof faile you not, as you will answer your defaults at your perils. Dated this xi. of August. 1600.

Your very loving friends,
A. B. G. T.

To our loving friends, Walter B. L. G. C. R. P. I. P. Esquires. L. C. R. T. Gentlemen.

Sub pœna ad Testificand'.

Sect. 42. BUt if that no such power be given by such Commission, then if the witnesses will not appeare gratis, they are compellable thereunto by Subpœna ad Testificand' in manner following.

Sub pœna ad Testificand' coram Commiss.

Jacob. &c. Quibusdam certis de causis &c. fitis coram dilectis nobis R. & C. armig' E. H. et E. C. generi, vel duobus eor' Commissionar' nostris virtut' brevis nostri de Dedim' potestat' eis direct' ad certos diem & locum quos pfat' Commissionar' vobis Scire facias (Aliter apud N. in com' B. 20. et 21. die Aprilis px' futur') ut ipsi vos tunc et ibidem, de, et super quibusd' Interr' pro parte A. B. diligent' possint examinare et ad faciend' ulterius et recipiend' qd per dictos Commissionar' nostros vel duos eorum in ea parte considerat' fuerit, Et hoc Sub pœna centum libr' nullatenus omittat'. Et habeat ibi hoc breve. Teste meipso apud Westm' &c. *ut supra.*

Of the stile of Interrogatories.

Sect. 43. INterrogatories to be ministred to the witnesses to be produced upon the part and behalfe of A. B. compl. against C. D. defendant (if they be for the plaintife:) But if for the defendant, upon the part and behalfe of C. D. defendant against A. B. complainant.

Imprimis, Do you know the said parties, plaintife, and defendant, or either of them, &c.

Item, Do you know &c. As the cause requireth.

Of the stile of the Depositions thereupon taken.

Sect. 44. Depositions taken at H. in the County of E. the last day of April in the third yeere of the reigne of our Soveraigne L. James by the grace

grace of God, of England, Scotland, France and Ireland, King, defender of the faith &c. upon the part and behalfe of A. B. plaintife against C. D. defendant, (or upon the part of C. D. defendant, at the suit of A. B. plaintife) by vertue of his Majesties Commission forth of his highnesse Court of Chancery, to R. S. C. L. P. Q. and W. M. or to three, or two of them directed, for the examination of witnesses betweene the said parties.

J. L. of A. in the County of E. Labozer, of the age of xlvi. yeeres oz thereabouts, sworne and examined, deposeth and saith upon his oath as followeth.

Item, **to the first Interrogatozy he deposeth and saith, that** &c. As the matter is &c. And so upon the rest of the Interrogatories.

The direction of the Commission being executed Illustrissimo domino nostro Jacobo Regi in Cañ sua, *Of Publication, Hearing, and Breviates, and after that then thus*, Certific' depositiõ testium ex parte A. B. & C. D.

After that the witnesses be so examined in the Court, oz by commission, as is afozesaid, Publication is to be had, and thereupon a day of hearing is to be procured. Against which time, Bzeviates must be made of the effect of the pleadings, depositions, and other pzooses and evidences, and the counsell perfectly instructed of the whole state of the matter, and a Sub pœna ad audiend' judiciũ, made and delivered to the party in convenient time before the said day of hearing: At which time, albeit that upon the hearing the matter be dismissed, yet may the parties have the depositions of their witnesses exemplified under the great Seale of England foz the furtherance and maintenance of their rights and titles, at, and by the Common Law. But if the matter be decreed foz the compl. after the decree past and enrolled, he may have a Writ de Executione Iudicii which must be served upon the defendant. And if he refuse to satisfie the same, then upon oath made thereof, pzocesse of contempt is to issue against him in fozme afozesaid. And if such decree be in suit of lands, and the defendant abide all the said pzocesse of contempt, and still detaine the possession of the lands from the plaintife contrary to the said decree: then upon motion thereof made in the Court, a Commission is usually granted to the Sheriffe, and some others neere adjoyning to the lands in question, to put the plaintife in possession and to keep him in possession accozding to the said decree.

Sect. 45.

Sub pœna to heare judgement.

Exemplification of the depositions.

A writ de executione judicii Contempt.

Commissiõ to put the plaintife in possession.

A Com-

A Commiſſion to the Sherife to put and keep the plaintife in poſſeſſion according to an order therein taken, untill a cauſe then depending in ſuit be heard and determined.

Sect. 46. REx &c. vic' Kanc' ſalutem, Cum ꝑ ordinationem capt̃ in Cancell' noſtra 3. die Julii ultimo ꝓterito inter W. A. querẽ & W. Y. & alios defendent̃, ordinat̃ fuit ꝙ ꝓd̃ W. A. & aſſignat̃ ſui pacifice & quiete haberent, gauderent, & occuparent unum meſſuag' ſive tenement̃ cum ꝓtiñ jacent̃ & exiſtent̃ in E. & R. in coñ præd̃ inter partes præd̃ in Cancell' præd̃ in controverſia pendent̃ indeciſa abſq; vexatione, moleſtatione ſive interruptione præd̃ W. Y. ſive aliquarum perſonarum ſub titulo, intereſſe, Jur̃, vel ꝓcuratione ſuis donec materia inter partes ꝓd̃ in Curia nr̃a ꝓd̃ finaliter determinetur. Et quia jam ex teſtimonio fide dignorum accepim', ꝙ diverſe alienigenæ ignotæ inhabitañ extra coñ Kanc' per ꝓcurationem ꝓd̃ defend̃ ut aſſeritur poſſeſſionem meſſuag' & ten̄ ꝓd̃ cum ꝓtiñ vi & armis, ac manuforti tenent in defraudatiõ & cõtemptum ordinis ꝓd̃, ac ipſum W. A. & aſſignat̃ ſuos extra poſſeſſiõ meſſuag' & ten̄ præd̃ cuſtodiunt contr̃ form & effectum ordinis ꝓdict': tibi igitur ꝓcipim' ꝙ immediate poſt receptiȭ hujus brevis aſſumpt̃ tecum ſufficient̃ poteſtat̃ Coñ noſtræ Kanc' ꝓdict' in ꝓpria perſona tua ad meſſuagium, ſive ten̄tum præd̃ accedas & attachiari & arreſtari facias quaſcunq; perſonas ibid̃ inveneris poſſeſſiõ meſſuag', ten̄t ſive ter̄ ꝓd̃ ſive alicuivis parcell' tenentes, & eos & eorum quemlibet de die in diem duci facias uſq; priſonam noſtram de Fleete gardiano noſtro ibid̃ liberandum & ibid̃ moratur̃ quouſq; de eorum deliberatiõ aliter duximus ordinandum. Ac ulterius tibi præcipimus firmiter injungendo ꝙ inde præd̃ W. A. & aſsignat̃ ſuos in pacifica & quieta poſſeſsiõ ejusd̃ de tempore in tempus manuteneas donec aliter inde à nobis habueris ſpecialiter in mandatis. Et quid inde feceris ſciri facias Cancell' noſtro. Teſte &c.

A Certiorare to Commiſsioners to certifie the depoſitions taken by Commiſsion.

Sect. 47. REx &c. dilectis ſibi A. B. & C. D. gener̃, ſalutem, Volentes certis de cauſis Certiorari ſuper quaſdam depoſitiones teſtium inter H. G. querent̃ & C. D. defend̃ ꝑ vos, tres vel duos veſtrum virtute brevis noſtri de Commiſsione vobis in ea parte direct' capt̃ & adhuc penes vos reſiden̄, ut eſt dictum, vobis mandamus quod depoſitiones præd̃ cum omnibus eas tangen̄ adeo plene & integre prout coram vobis capt̃ fuer̄ nobis in Cancell' noſtram in quindena Paſchæ proxim̃ futur̃ ubicunque tunc fuerit ſub ſigillis veſtris trium vel duorum veſtrum diſtinct' & aperte mittatis & hoc breve. Teſte &c.

Of

Of a Commiſsion to examine witneſſes in perpetuall memorie.

FIrſt the plaintife muſt exhibit his bill, and thereby ſhew his title to the land, leaſe, or ſuch like matter that he hath right unto, and that the witneſſes which can proove his title are aged, & not like long to live, whereby he may be in danger of the loſſe of the thing in queſtion. And therefore to pray to have a Commiſſion directed to certaine Gentlemen of credit and worſhip, for the examination of the ſaid witneſſes: & alſo to pray proceſſe of Sub pœna againſt him, or her, or them, to ſhew cauſe, if he or they can, why the plaintife ſhould not examine his witneſſes, as aforeſaid. The forme of which proceſſe enſueth, in hæc verba: Sect. 48.

Jac. Dei gratia, Angl, Scotiæ, Franſ, & Hyberniæ Rex, fidei defenſor &c. I. S. ſalutem. Cum A. B. exhibuit, coram nobis in Cancellar noſtra quandam petitionem ut quidam teſtes in perpetuam rei memoriam verſus te examinarent, & ne id tibi in præjudicium cederet: Tibi præcipm firmiter injungentes, q omnibus aliis prætermiſsis, & excuſation quacunque ceſſante, in ꝑpria ꝑſona tua, vel per tuum Atturnatum, aut deputat ſis coram nobis in dicta Cancellar nra infra quatuordecim dies immediate poſt receptionem hujus brevis (ſi tibi ita viſum fuerit) ut dicti teſtes, aut alii quicunq; ex ꝑte tua ibid ſimilit exam poſsint, (ſi ita velis) vel ut oſtendas & ꝑponas, vel oſtendi & ꝑponi fac', tunc & ibid bonam ſufficient & ꝑbabil mat̃iam ꝑ ꝑte tua quare iidem teſtes ꝑ ꝑte dicti A. B. in forma præd exam, & poſtea eorum examinationes ſecund ordinem & curſum dict' Cur noſtræ, publicari & divulgari non debeant.

Concerning theſe matters of the Chancerie, note what enſueth.

And if the partie defend. do appeare, either by himſelfe or his counſell, and ſhew ſuch ſufficient cauſe as the Court will allow of, why the plaintife ſhould not examine his witneſſes, as is aforeſaid, then the plaintife may not proceed therein, unleſſe he can better ſatiſfie the Court to the contrary. But if the defendant be contented, and will joyne with the plaintife in examination: then after examination ſo had, there can be no publication thereof during the lives of the witneſſes, unleſſe the defendant do aſſent, or unleſſe the plaintife, or ſome other in his behalfe do make oath, that the matter whereupon the witneſſes were examined, is to take triall at the Common Law, either at the Aſſiſes, or at the barre. And that A. B. or more of the witneſſes before examined, are neceſſary witneſſes, and not able to travell to the ſaid triall: And upon ſuch oath taken, his or their depoſitions are to be publiſhed of courſe; And to be exemplified, if the partie ſo require.

But if the party defend. do not appeare upon the ſaid writ, neither by

by himſelfe nor his Atturney, by the end of the ſaid viii. dayes, nor ſhew no cauſe of ſtay therof whether it be in terme or out of terme time, then upon oath made of the ſerving of the ſame writ, the L. Chancellor, Lord Keeper, or maſter of the Rolls for the time being, at the requeſt of the plaintife, will appoint Commiſſioners for the examination of the plaintifes witneſſes, according to certaine orders preſcribed in that behalfe.

There be alſo many other different formes of Sub pœna's and Commiſſions, of which ſome do hereafter inſue.

Sub pœna ad teſtificandum ſuper petitionem.

Sect. 49. AD teſtificandum pro parte tua in quadã materia contenꝫ in quadam petitione ad ſectam tuam verſus quendam W. M. coram nobis in dicta Cancel' nra nuper exhibiꝫ, vel tu ipſe ſis coram nobis, &c.

Aliter ad teſtificandum ad Aſſiſas quare ſuper articulis.

Sect. 50. SItis corã Juſtic' noſtris ad Aſſiſas in comꝫ H. capiend' ad ꝓx' Aſſiſas in comꝫ præd', teñ apud L. die Lunæ, in tertia ſeptimana quadrageſ. ut iidẽ Juſt. vos tunc et ibid ꝓ pte R. W. de, & ſuper veritat' quorund' artic' per præf. R. verſ. A. B. exhib' poſſint examin. Et Sub pœna, &c.

Sub pœna ad oſtendendum cauſam quare evidenc' non deliberentur.

Sect. 51. REx &c. Quibuſdam &c. uſque ubicunq; tunc fuerit ad oſtendendũ quare evidenc' et ſcripꝫ ꝓ te in Canc' noſtrꝫ præd', nuper deliberꝫ, & ibid' adhuc remañ W. C. deliberꝫ non debeant. Et ad faciend &c. *ut ſupra.*

Sub pœna ad teſtificandum ad Aſſiſas in London.

Sect. 52. SItis coram dilecto & fideli noſtro Ed. Andr militꝫ capital' Juſt. nrõ ad banco, ac Juſt. ad Aſſiſas in civitꝫ London capiend aſſignꝫ apud Guildhaldã civitatis Lond præd', die veneris. viz. nono die inſtantis menſis Feb. ꝓx' ſuũ, ut iidem Juſt. vos tunc et ib' ꝓ parte H. T. poſſint examiñ. Et hoc &c.

Sub pœna ad teſtificand' coram Vicecom' London.

Sect. 53. IAcobus Dei gratia Angl', Scotiæ, Fran̄, &c. W. I. ſalutem: Quibuſdam certis de cauſis coram nobis in Cañ noſtra propoſitis: Tibi præcipimus, firmiter injungentes, quod omnibus aliis prætermiſſis, et excuſatione quacunq; ceſſante, in propria perſona tua ſis coram Vicecomit civitatis noſtræ London, apud Guildhaldam ejuſdem Civitatis die Jovis

Jovis ꝓxim̃ futur̃, ad teſtificand̃ veritatem in materia coram eis pendent̃ & ad faciend̃ ulterius, & recipiend̃ q̄ de contingerit ordinari tunc ibid̃. Et hoc pœna centum libr̃ nullaten⁹ omittas. Et habeas ibi hoc breve. Teſte meipſo apud Weſtm̃ ultimo die Martii, Ann̄ regni noſtri. 3.

Sub pœna pro Evidentiis adferendis.

REx R.D. ſalutem. Quibuſdam certis de cauſis coram nobis in Cancell̃ noſtra ꝓpoſitis: Tibi præcipimus, firmiter injungentes, quod omnibus aliis prætermiſsis & excuſatione quacunque ceſſante, in ꝓpria perſona tua ſis coram nobis in dicta Cancell̃ noſtra in quindena Sancti Hillar̃ proxim̃ futur̃, ubicunq; tunc fuer̃, adferens tecum omnia & omnimoda cartas, ſcripta, evidentias, & munimenta in cuſtodia tua, aut alicujus alterius perſonæ, aut per tuam deliberationem ad tuum uſum exiſten̄, unum meſſuag', vocat̃ Le G. & horreum cum omnibus terris eidē meſſuagio pertin̄ concernen̄, in quadam petitione ꝑ W.T. coram nobis in Cancell̃ noſtra præd̃ verſus te exhibit̃, content̄ ſpecificat̃, & ad faciend̃ ulterius, & recipiendum q̄ Curia nr̃a conſideraverit in hac parte. Et hoc nullatenus omittas. Et habeas ibi hoc breve. Teſte &c. Sect. 54.

Aliter pro Obligatione deliberanda.

ADferens tecum quandam Obligationem per quam W.C. Miles tenetur & obligatur T.B. milit̃ nuper marit̃ tuo jam defuncto in ducentis marcis in cuſtodia tua exiſten̄, ut dicitur, & ad faciend̃ ulterius, &c. *ut ſupra.* Sect. 55.

And when a ſuit hath depended unproſecuted two yeeres, they award a Subpœna de Atturnat̃ faciend̃, *in this forme.*

REx B.R. ſalut̃ &c. (uſq; tunc fuerit, & tunc ſic) ad faciend̃ Atturn̄ in materia quæ eſt coram nobis in dicta Cancell̃ nr̃a inter te defend̃, & M.S. quer̄en̄ per billam, & ad faciend̃ &c. *ut ſupra.* Sect. 56.

Commiſsio ad recipiendum reſponſum, & ad examinandum teſtes quoſcunque & ad audiendum & terminandum.

REx dilectis ſibi A.T. armigero, & B.S. armig', ſalutem, Cum A. W. quandam petitionem coram nobis in Cancellaria noſtra verſus R. C. nuper exhibuit, quodque eidem R. per breve noſtr̃ præciperimus quod eſſet coram nobis in dicta Cancell̃ noſtra ad certum diem jam præteritum ſub certa pœna in dict' brevi noſtro contenta petitiō p̄d reſponſur̃. Sciatis quod aſsignavimus vos, ac tenore præſentiū damus vobis vel uni veſtrum poteſtatem & authoritatem reſponſiōn præfati R. ad Sect. 57.

R. ad petitionem prædꝯ recipiendꝯ, & in ſcriptis redigendꝯ, & quoſcunq; teſtes, de & ſuper materia in petitione & reſponſione p̄dꝯ, contenꝯ, examinandꝯ, ac eandꝯ materiam juxta ſanas diſcretiones veſtras vel unius vr̄m audiendꝯ, & finaliter determinandꝯ. Et ideo vobis mandamus, q̄ viſo tenore petitionis prædꝯ, quam vobis mittimus p̄ſentibus interclu-ſam, præf. R. coram vobis, vel uno vr̄m venire faciatis, ac reſponſ. ſuam petitio⁹ prædꝯ in forma prædict' fiendam ſuper Sacramentum ſuum recipiatis, & in Scriptis redigatis, necnon teſtes p̄dꝯ, coram vobis vel uno vr̄m ad certos dies & loca, quos ad hoc ꝓvideritis coram vobis venire faciatis, & evocetis, ac ipſos, & eorum quemlibet, de & ſuper veritate petitione, & reſponſion̄ p̄dꝯ, ac de & ſup̄ articulis omnibus & ſingulis p̄-miſ. qualitercunq; concern̄ ſup̄ eor̄ ſacram̄ corporal̄ præſtand̄ diligenter examinet̄, examinationeſq; ſuas recip̄, & in ſcript̄ redig'. Et cum eas ſic ceperitis eandꝯ materiam partibus ad id voc', viſiſq; eorum ſcriptis & auditis hinc inde eorum rationibus, & allegationibus, omnibus viis, modis & mediis quibus melius ſciveritis, aut poteritis, vel unus vr̄m Sciver̄, aut poter̄, juxta ſanas diſcretiones veſtras vel unius veſtr̄ finaliter determinetis, vel unus vr̄m determinet̄. Sin autem nos de omni eo q̄ inde feceritis vel unius vr̄m fecerit, in Cancellaria noſtra ſub ſigillis veſtris, vel unius vr̄m in Quindena Sancti Michaelis proxim̄ futur̄, ubicunque tunc fuerit diſtincte & aperte reddat̄ certiores, hoc breve, una cum petitione, reſponſione, & teſtium examinationibus prædꝯ nobis remittentes, &c.

Commiſſio ad audiendum & terminandum materiam in petitione, & reſponſione & ad examinand' teſtes quoſcunque.

Sect. 58. REx dilecto ſibi A. B. ſalutem. Quia de & ſuper veritate querimoñ in quadam petitione coram nobis in Cancellaria noſtra per T. C. verſus I. R. & alios nuper exhibita contenꝯ, ac de & ſuper veritate in quadam reſponſione per partes prædꝯ in hac parte facta, & in eadem Cancellaria ſimiliter exhibit̄, & necnon de & ſuper omnibus articulis & circumſtantiis queremoniam & reſponſionem illas concernent̄, ut rectius & conſultius ꝓ Juſtitia in eiſdꝯ exhibendꝯ ꝓcedere valeamus vobis de quorum fidelitatibus, & ꝓvidis circumſpectionibus plenè confidimus, Dedimus vobis, vel duobus, vr̄m poteſtat̄ & authoritatem audiendi & examinandi materiam in petion̄, ac reſponſion̄, ac in omnibus articulis & circumſtantiis prædictis, querimoniam, & reſponſionem illas concernen̄, hiis præſentibus annex' contentam, & ſpecific' & eandē materiam juxta ſanas diſcretiones veſtras finaliter ſi poteritis determinandꝯ. Et ideo vobis, vel duobus veſtr̄ mandamus, quod ad certos dies & loca, quos ad hoc ꝓvideritis, teſtes quoſcunq; inter par-

tes

tes præd', quos maxime pro testificatione veritatis præmissorū fore videritis evocandos, coram vobis vel duobus vestrum evocetis, Ac ipsos testes & eor quemliber de & super querimonia, responsione, articulis, & circumstantiis præd' super sacramenta sua diligenter juretis, & examinetis. Et sup hoc auditis hinc inde earum rationibus, & allegationib', ac aliis viis & modis, quibus melius sciveritis aut poteritis eand' materiam ut prædict' est finaliter si poteritis determinetis. Sin autem, nos in Cancell' nostra de omni eo qd inde feceritis in quindena sancti Hillar' px' futur', ubicunq; tunc fuerit, sub sigillis vestris, vel duorum vestrum distincte, & apte reddatis certiores, remittēn nobis tunc tenores pdict', una cum hoc breve. Teste, &c.

Commissio ad examinandum Testes ad locum & diem certum, de valore bonorum & catallorum.

REx dilect' ac fideli suo R. B. Milit', ac dilect' sibi I. D. & P. W. armiger salutem. Sciatis q nos de fidelitatibus, & providis circumspectionibus vestr plurimū confidentes assignavimus vos, ac tenore præsentium damus vobis vel duobus vrum plenā potestatem & authoritatē inquirendi, tam per depositiones quorumcunq; testium, coram vobis producend', & examinand', quam alio quocunq; modo ad libitum vrum, quæ bona & catalla fuerunt I. M. generosi, sive alterius cujuscunque remanentin infra domum mansionalem, sive firmam de C. in E. in comit' Oxon quo tempore Ro. Bi. possessionem ejusdem domus sive firmæ natus sit, & cujus valoris sive pretii eadem bona & catalla sic infra eand' domum, & firmam præd' existentia ad tunc fuerunt, & extiterunt. Damus etiam vobis, vel duobus vestrum potestatem & authoritatem testes quosdam quorum separalia nomina in quibusd' Interrogator' præsentibus inclus. ac eisdem testibus separaliter proponend', inserta apparebunt de & super eisd' Interrogat' diligenter examinand'. Et ideo vobis mandamus, q ad certos dies & loca quos ad hoc pvideritis, testes pdict' ac alios quoscunque quos maxime p testificatione veritatis fore videritis necessarios & opportunos coram vobis vel duobus vrm venire faciatis, & evocetis, ac ipsos testes, & eor quemlibet tunc & ibid', jam & de sup pleno & justo valore omnium & singulor bonor', & catall' prædict' quam de & super Interrogator' prædictis, super sacramta sua per sancta Dei Evangelia coram vobis, vel duobus vrm corporaliter præstanda diligenter examinetis. Examinationesq; suas recipiatis, & scriptis in pergameno redigatis. Et cum eas sic ceperitis, nos inde ac de omni eo quicquid pro meliore cogn præmissor' feceritis, vel duo vrm certificerint in Cancellaria nostr in Octabis Sancti Michael proxim futur', ubicunq; tunc fuerit, sub sigillis vestris, vel duorum vestrum clauſ. distincte Sect. 59.

distincte, & apte reddatis certiores, remittentes nobis Interrogatoꝛ̃ prædict' una cum hoc breve. Teste &c.

Commissio ad supervidendum & distinguendum Vastum.

Sect. 60. REx dilect' ac fideli suo Willihelmo P. Milit, ac dilect' sibi W. T. armigeꝛ̃ salutem. Sciatis q nos de fidelitatibus, et providis circumspectionibus vestꝛ̃ plenius confidentes, assignavimus vos, ac tenore præsentium damus vobis plenam potestat̃ et authoritat̃ audiendi et examinand̃ quand̃ materiam in quibusd̃ articulis his p̃f. annex' contentã et specificatam, et eandem materiam juxta sanas discretiõ vestꝛ̃ finaliter ꝺ poteritis determinand̃. Et ideo vobis mandamus, qd ad certos dies et loca, quos ad hoc, ꝓvideritis ad quoddam vastum vocat̃ blacke downe super M. in com̃ S. in articulis præd̃ specific'. psonalit̃ accedatis vastumq; illud sꝰvideatis, ac tam p depositiones testium quam aliis viis, modis, et mediis quibus melius sciveritis aut poteritis diligent̃ inquiꝛ̃ quantum inde ad manꝛ̃ de H. et quant̃ inde ad manꝛ̃ de W. in com̃ p̃d. pertinere debeat, et sꝰpinde, limites, bundas, metas, et divisas, inter unum et alium, et quant̃ ad unum, et quantum ad alium manꝛ̃ prædict' ꝑtin vobis constare poterit, poni faciat̃, et limites examinationesq; testium p̃d recipiatis, et in scriptis redigatis, omnesq; alias depositiones testium ante hac examinat̃, munimenta, scripta, recorda, transcripta, territoria, chartas, ac alias evidentias quascunq; per partes in articulis p̃d specificat̃, coram vobis exhibend̃ acceptetis et inspiciatis. Et super hoc, materiam in articulis p̃d̃ specificat̃ juxta sanas discretiones vestras finaliter ꝺ poteritis determinet̃: Sin autẽ nos in Cancell̃ nostra de omni eo qd inde feceritis in quindena Sancti Michael̃ ꝓxim̃ futuꝛ̃ ubicunq; tunc fuerit sub sigillis vestris distincte et aperte reddatis certiores, remittentes nobis articulos prædictos una cum præsentibus. Teste, &c.

A Commission directed to the Lord Deputy of Ireland, and the Lord Chancellor, with others, for the hearing and determining of a Title of Land.

Sect. 61. IAmes by the grace of God, &c. To our trusty and right well beloved Sir H. S. Knight of the order &c. L. Deputy of our Realme of Ireland. H. C. Archbishop of D. our Lord Chancellor there, Sir J. P. Knight chiefe Justice of the Pleas there. J. B. Esquire, chiefe Baron of our Exchequer there, F. A. Esquire, one of our privie Councell there, J. D. Esq. second Justice of our chiefe Bench there, R. F. Esq. our Serjeant at the Law there, and L. D. Esq. our Solicitor there. Know ye, that for certaine considerations thereunto moving, and

our meere motion, and for the great confidence & trust we have in your fidelities, circumspections, providences, and wisedomes, we have deputed, ordeined, authorised, appointed, constituted, given, and granted, and by these presents do depute, ordaine, authorize, constitute, appoint, give and grant unto you, or any viii. vii. vi. v. iiii. or iii. of you (of which we will that &c. be alwayes one) full power, jurisdiction and authority to hold plea, heare, determine, discusse, decree, and finally to judge of all and singular actions, debates, strifes, quarrels, rights, titles, and demands whatsoever they be, as well reall as personall, which by plaint, supplication, or bill to be exhibited, or otherwise by any manner of meanes else, shall or may appeare, or come before you, or any viii. vii. vi. v. iiii. or three of you, (of which wee will that &c. bee alwayes one) of, for, and concerning the interest, right, title, demand, and possession of two parts or moities, of all these lands, &c. with the appurtenances in the County of D. within the said Realme of Ireland, to be by D. D. late of &c. J. D. widow, F. D. P. D. D D. Gentlemen, and sonnes to R. D. late deceased, and R. D. nephew to the said F. D. and D. or by any of them severally, or joyntly, or any ii. iii. iiii. v. or vi. of them against C. S. alias H. Lord of A. within our said Realm of Ireland, and all and every other person or persons, which shall claime from, by, or in the right of the said Lord, or in his or their owne right or rights, or by any meanes else whatsoever it be, which hee or they claime to have to the said moities of the two parts of the said lands, &c. with the appurtenances aforesaid: giving and granting, and by these our Letters Patents wee do give and grant unto you, or to any viii. vii. vi. v. iiii. or iii. of you, (of which number wee will that &c. be alwayes one) full power, jurisdiction, and authority to call before you, or any viii. vii. vi. v. iiii. or iii. of you, (of which we will that &c. be alwayes one) at such times and places according to your good discretions, which unto you, or any viii. vii. vi. v. iiii. or iii. of you, (of which we will &c. be alwayes one) and to cause the said Lord H. or any which claimeth in his or their owne right or rights, or by any wayes or meanes else whatsoever, any interest, right, title, or possession in the two parts or moities of the said lands, &c. with their appurtenances aforesaid, or any parcell thereof, to answer, rejoyne, and joyne issue, or otherwise plead, as the cause and matter shall require, and upon any plaint, supplication, action, or suit whatsoever, which shall be exhibited, or come before you, by the aforesaid D. D. P. P. J. D. F. D. M. D. and R. or by any of them joyntly or severally, or any ii. iii. iiii. v. or vi. of them, of, and concerning the said two parts or moities of the said lands, &c. with their appurtenances aforesaid: Giving and granting, and by these presents we do give and grant unto you, or any viii. vii. vi. v. iiii. or iii. of you, (of which we

will that, &c. be alwayes one) full power, jurisdiction, and authority, according to your wisedomes, discretions, and providences, to call before you all manner of witnesses, and to examine all charters, evidences, muniments, writings, and every other thing else, which may be a mean to prove, fortifie, disclose, or make evident the interest, right, titles, demand, or possession of any of the aforenamed parties, to the said two parts or moities of the said lands, &c. with their appurtenances aforesaid, and upon the same throughly and with mature deliberation and judgement considered and weighed, we do give and grant unto you: or any viii. vii. vi. v. iiii. or iii. of you, (of which number we will that &c. be alwayes one) full power, jurisdiction, and authority to proceed to the full order, decree, definition, sentence, and finall judgement, according to your discretions, of the interest, right, title, demand, and possession of the said two parts or moities of the said lands, &c. with their appurtenances aforesaid, and to decree the possession of the premisses to him, or them, to whom of right it ought to appertaine, and his or their said possessions to maintaine: And if any of the parties aforenamed or any other person or persons which shall have to do in the same matter or cause, do wilfully or obstinately withstand or disobey any processe, order, decree, sentence, or judgement, which shall bee directed or given in the premisses by you, or any viii. vii. vi. v. iiii. or iii. of you, (of which number we will that &c. ut supra, be alwayes one:) Then we will and command you, and by vertue of these our Letters Patents give full power, warrant, and authority unto you, or to any viii. vii. vi. v. iiii. or iii. of you, (of which number wee will that &c. bee alwayes one) to commit him or them to prison, there to remaine till his, her, or their conformities shall be therein had, willing and commanding you, or any viii. vii. vi. v iiii. or iii. of you, (of which number &c. be alwayes one) that at such times and places, as to your discretions, or to the discretion of any v iii. vii. vi. v. iiii. or iii. of you, (of which number &c. be alwayes one) shall seeme fit and convenient, diligently to attend, apply, and with speed put in execution the effect of this our Commission, so as the complainants before named, or any of them which shall have to do therein, may not have just cause to make further complaint for delay or want of Justice, willing and commanding you, or any viii. vii. vi. v. iiii. or iii. of you, (of which number &c. be one) to admit no dilatorie exception to any supplication or supplications, bill or bills of complaint exhibited, or to be exhibited before you, or any viii. vii. vi. v. iiii. or iii. of you, (of which number we will that &c. be alwayes one) or otherwise to the overthrowing of this our Commission: but according to our meaning herein to proceed, and to go to the full hearing ordering, decreeing, judging, and determining of the right, title, and demand of the

parties

parties aforesaid, of, for and concerning the premisses, and every part and parcell thereof, and accordingly to decree and judge, as to equity and right shall appertaine: any Act, Statute, Law, Proviſion, or Ordinance to the contrary thereof notwithstanding. And therefore faile you not, if you tender our favor: for if our said subjects D. D. P. P. I. F. M. D. and R. D. should be put from such triall of their right to the premisses, as by this our Commission we have provided for them, their disability and want of riches, wealth, friendship, and alliance considered, and of the other part of the said Lord of H. their adversary, being throughly furnished of all those things, and withall being a Lord by birth and of great calling and authority, and inhabiting within the said County, where the said lands &c. do die, our said subjects should be in perill and danger to be without remedy at our common lawes there, which were no small mischiefe to them. The premisses considered, we have granted this our Commission according to the tenor aforesaid. And further, we will and command you, and by vertue hereof give full power and authority unto you, or any viii. vii. vi. v. iiii. or iii. of you, (of which number we &c. be one) that after the right, interest, title, and demand decreed, adjudged and determined, as is aforesaid: that you have consideration unto the hinderance, losses, and dammages, which the compl. or any of them, as is aforesaid, have had and sustained, by reason of the wrongfull detaining of the possession of the premisses and the said dammages by you, as is aforesaid, tared, and extracted, thereof to cause a full execution, and satisfaction to be had and made unto the said complainants, and every of them, as is aforesaid. And for the better putting in execution of this our Commission, we will and command the Sherife of that our said County of D. and all other our officers for the time being, to whom in this case it shall appertaine, that they and every of them be attendant upon you, or any viii. vii. vi. v. iiii. or iii. of you (of which number &c. be one) for the executing, fulfilling, and doing of all and every act and acts, thing or things, as shall be by you, or any viii. vii. vi. v. iiii. or iii. of you (of which &c. be alwayes one) commanded, limited or appointed. In witnesse whereof &c.

Having hitherto in some sort shewed the Writs of Commission, and course of proceeding in Chancerie suit: it seemeth needfull now to expresse what Bils of complaint, Answers, Replications, Rejoynders, and Surrejoynders be, with divers formes thereof, according to the causes of suit.

What a Bill of complaint is.

A Bill of complaint is a declaration in writing, shewing the plaintifes griefe, and the wrong which he supposeth to bee done Sect. 62.

unto him by the defendant, and what dammages he ſuſtaineth by occaſion thereof, prayng proces againſt him for redreſſe of the ſame, as may appeare by many examples hereafter following, whereupon Hoſtienſis hath theſe Verſes:

Quis, quid, coram quo, quo jure petatur, & à quo,
Rectè compoſitus quiſque libellus habet.

And firſt the matter of every Bill ought to be true. Secondarily, the ſame matter ought to bee laid downe therein plainely and certainely in every circumſtance of the thing, perſon, time, place, manner of doing, and other accidents. And thirdly, the ſame ought to be ſufficient in law, both for the forme thereof, and for the matter, that it be ſuch as is examinable in this Court, which being otherwiſe, may be diſmiſſed thence.

Sect. 63. THe direction of all Bills in the Chancery, muſt be at the top thereof. And when there is neither Lord Chancellor, nor Lord Keeper, it is thus

To the Kings moſt excellent Majeſty, in his Highneſſe Court of Chancery.

In moſt humble manner complaining, ſhewing unto your moſt excellent Majeſty, your moſt humble and obedient ſubject H.C. &c.

And when there is a Lord Keeper, thus:

To the right Honourable Sir John Puckering, Knight, Lord Keeper of the great Seale of England.

And when there is a Lord Chancellor, then thus:

To the right Honourable Sir C. H. Knight, Lord Chancellor of England.

Their other titles of Honor may be alſo added in the ſaid direction, but they are not much neceſſary.

What an Anſwer is.

Sect. 64. AN anſwer is that which the defendant pleadeth or ſaith in Barre, to avoid the plaintifes Bill or Action, either by confeſſion and avoiding, or by denying and traverſing the materiall parts thereof. And the title of ſuch anſwer is thus:

The Anſwer of A. B. defendant, to the Bill of complaint of C. D. complainant.

But if there be many defendants, then thus:

The joynt and ſeverall Anſwers of A. B. and C. D. defendants, to the Bill of complaint of E. F. complainant.

An Anſwer is called in Latin Exceptio, quæ dicta eſt quaſi quædã excluſio quæ interponi actioni cujuſcunque rei ſoler, ad excludendum id quod in intentionem condemnationis jure deductum eſt. *Vlpianus.*

What

What a Replication is.

A Replication is the plaintifes ſpeech or anſwer to the defend. anſwer, which muſt affirm, and purſue his bill, and confeſſe and avoid, deny, or traverſe the defendants anſwer. And note, that the plaintife ought to reply the next terme after that the defendant hath anſwered, elſe may he give him day to reply; by which day if he do not reply, the defendant may procure a diſmiſſion, and get coſts. Sect. 65.

Et dicta videtur Replicatio qd vel implicatam & quaſi tectam exceptionis iniquitatem replicet et patefaciat; vel potius quod equitatem actionis ab excipiente rei tectam & quaſi complicatam explicet atque aperiat. Hottomanus.

And the title of a Replication is thus:

The Replication of W.P. complainant, to the Anſwer of R. C. defendant.

What a Rejoynder is.

A Rejoynder is the anſwer which the defend. maketh to the plaintifes Replication, which muſt purſue and confirme his anſwer, and not ſwarve from the ſame, and ſufficiently confeſſe and avoid, deny, or traverſe each materiall part of the plaintifes Replication, Eſt autem rejunctio ſeu duplicatio, vel allegatio, q̃ datur reo ad infirmandum replicationem actoris & confirmandum exceptionem rei. Speig. Sect. 66.

If the parties be not at iſſue by reaſon of ſome new matter diſcloſed in the defendants rejoynder that requireth anſwer; then may the plaintife ſurrejoyne to the ſaid rejoynder, and the defendant in like manner to the ſurrejoynder, if there be cauſe, which happeth very ſeldome.

And the title of a Rejoynder is thus:

The Rejoynder of C.A. defendant, to the Replication of E. W. complainant.

What a Surrejoynder is.

A Surrejoynder is a ſecond defence of the plaintifes action, oppoſite to the defendants Rejoynder. And therefore Hottomanus calleth it Triplicatio quæ eſt ſecund' actionis defenſio contra rei duplicationem oppoſita. Sect. 67.

And thus is the title of a Surrender.

The Surrejoynder of E.W. complainant, to the Rejoynder of C.A defendant.

A Bill of complaint for entring into and making ſecret eſtates of Copihold lands, waſting part thereof, and mingling part thereof with the lands of others, to diſinherit the plaintife by having copies thereof.

HUmbly complaining ſheweth unto your Honourable L. H. E. of B. in the County of Yorke Eſquire: That whereas H. E. late of Sect. 68.

S. Esquire deceased, father to your Orator, was in his life time by good and lawfull conveyance and assurance in the law, lawfully seised to him and to his heires in fee simple, according to the custome of the manor of W. in the said County of Y. of one copihold or customary messuage or tenement, and of certaine customary lands, medowes, and pasture, to the quantity of 100. acres, or thereabouts: and the said H. C. your Orators father so being thereof seised as aforesaid, and being visited with sicknes during the minority of your said Orator, by good and lawfull conveyance and assurance in the law, and according to the custome of the said manor of W. did convey, assure, and surrender the said copihold or customary messuage or tenement, and other the premisses, with the appurtenances, into the hands of A. B. the Lord of the said Manor, for the better maintenance, and to the use of your said Orator. To have and to hold to your said Orator, and to his heires and assignes, at the will of the Lord, according to the custome of the said manor: by force whereof, your Honors said Orator in the Court of the said manor paid his fine, and was of the said copihold and customary tenements, with the appurtenances, by the then steward of the said manor of W. admitted tenant. But so it is, if it may please your Honor, that all the Evidences and Copies, of, and concerning the said messuages, lands, tenements, and premisses, being left in the hands, custody, and possession of your Orators said father whilest hee lived, in right belonging unto your Lordships said Orator, are now by casuall and sinister means come to the hands and possession of one H. H. of D. in the said County of Y. who by colour of the having thereof, hath wrongfully entred into the said messuage, lands, and premisses aforesaid, and hath made and conveyed unto himselfe, and to others to his use, divers and sundry secret estates thereof, and doth pretend wholly to disinherit your Lordships said Orator of the same, notwithstanding your said Orator hath by divers and sundry meanes in friendly manner oftentimes sought to have the said Evidences and Copies, and requested the same at the hands of the said H. H. and also that hee would yeeld unto your said Orator the quiet possession of the said messuage, lands, and premisses, to whom hee doth well know the same in right to belong and appertaine: Yet that to do, hee hath not only denied and refused, and still doth deny and refuse to do the same; but of his further malice against your said Orator, he doth threaten your Orator in such sort, that your Orator for want of the said Evidences and Copies, dareth not make his just and lawfull entrie in, and to the same: And also the said H. hath committed and doth continue daily great and outragious wastes and spoyles, in decaying of the houses, felling downe of the Wood and Timber trees of the premisses, to your Orators great losse

and

and disinherison, and contrary to all right, equity, and good conscience. In tender consideration whereof, and forasmuch as by the strict course of the common lawes of this Realme, your L. said Orator hath not any ordinary remedy for the obtaining and recovering of the said evidences and copies, for want of the certaine knowledge of the contents and dates thereof, and what in them be contained, neither can your Orator learne against whom to commence any suit for the said messuage, lands, and premisses, for that the said H. H. and others, to your Orator altogether unknown, have confederated themselves together against your said Orator, and have contrived and made amongst themselves divers secret estates and conveiances, and have so intermingled the same to, and with other lands, tenements, and hereditaments, to, and with certaine of their owne freehold and inheritance, that your Orator knoweth not which the same bee, nor how much thereof the said H. H. and other his confederates do severally hold, whereby to commence any action or suit, or make any lawfull entry, into, or for the same, without your Orators great danger: and yet your Orator hopeth that upon the corporall oath of the said H. H. he will manifest such matter, wherby your Orator may the more better, easily, and readily, proceed and attaine to the recovering of his just and lawfull right and inheritance of the premisses: for the furtherance whereof, it may please your good L. to grant unto your said Orator, his Majesties most gratious Writ of Sub pœna to be directed to the said H. H. commanding him thereby at a certaine day, and under a certain pain therein to be limited, personally to be & appeare in his Majesties high Court of Chancery, then and there to answer to the premisses, &c.

The Answer of H. H. defendant, to the Bill of complaint of H. E. complainant.

THe said defendant saith, that the said bill of complaint against him exhibited into this honorable Court, is very uncertaine, untrue and insufficient in the law to bee answered unto by the said defendant for divers and sundry apparent faults and imperfections therein contained: and devised and exhibited into this honourable Court, partly of malice and evill will, without any just cause conceived against the said defen. to the intent thereby unjustly to vex and molest him with tedious travell, being an aged man, and to put him to great expences, being very poore: but chiefly to the intent and purpose to weary, impoverish and terrifie him this defendant: Nevertheless, if by the order of this honorable Court, this defendant shall bee compelled to make any further or other answer unto the said untrue, incertaine and insufficient bill of complaint, then and not otherwise the advantage of exception Sect. 69.

thereof to this defendant, at all and every time and times hereafter saved, for further answer thereunto, and for a full and plaine declaration of the truth, touching so much of the materiall contents of the said bill, as in any sort concerneth this defendant, He for himselfe saith, That whereas the said complainant in his said bill alledgeth, that one H. E. his father deceased, was in his life time by good and lawfull conveiance and assurance in the law, lawfully seised to him and his heires in fee simple, according to the custome of the said manor of W. in the said bill mentioned, of one copihold or customary messuage or tenement, and of certaine customary lands, medowes, and pastures, to the quantity of an hundred acres, or thereabouts: and that he being thereof so seised and visited with sickneſſe, during the minority of the said complainant by good and lawfull conveyance and assurance in law, and according to the custome of the said manor of W. did convey, assure and surrender the same copihold or customary messuage or tenement, and other the premisses, with the appurtenances thereunto belonging, for his better maintenance, to the use of the said complainant. To have and to hold to the said complainant, and to his heires and assignes, at the will of the said Lord, according to the custome of the said manor: And that by force thereof, the said complainant in the Court of the said manor paid his fine, and was of the said copihold or customary tenements with the appurtenances, by the then Steward of the said manor of W. admitted tenant. Hee this defendant saith, that to his knowledge the said H. E. late father of the said complainant, was never either lawfully seised to him and to his heires, according to the custome of the said manor of W. of the said tenements and premisses in the said bill mentioned, by any good and lawfull conveyance and assurance in the law, according to the custome of the said manor: Nor did ever convey, assure and surrender the said customary tenements and other the premisses, to the use of the said complainant, his heires and assignes: neither did the said complainant ever pay his fine for the same in the said Court, neither was he ever lawfully admitted tenant thereof, as he the said complainant in his said bill untruly pretendeth. And whereas the said complainant in his said bill also pretendeth, that the evidences and copies, of, and concerning the said messuage, lands, tenements and premisses, being left in the hands, custody, and possession of the said complainants father whilest he lived, in right belonging unto this complainant, are now by casuall meanes come into the hands and possession of this defendant, and that hee by colour of the having thereof, hath wrongfully entred into the said messuage, lands, and premisses aforesaid, and hath made and conveyed to himselfe, and to others to his use, diverse and sundry secret estates therein, and doth pretend

thereof

thereof wholly to diſinherit the ſaid complainant. This defendant ſaith, that none evidences or copies, of, or concerning the ſaid meſuage, tenements and premiſſes, are by caſuall meanes, or otherwiſe come to the hands or poſſeſſion of this defendant, and that by colour of having thereof, he this defendant, neither wrongfully entred into the ſaid meſuage, tenements, and premiſſes, nor any part thereof, neither hath he this defendant conveyed, to himſelfe, or to any other perſon to his uſe, divers and ſundry, or any ſecret eſtates thereof, neither doth he pretend thereof wholly to diſinherit the ſaid complainant, as in the ſaid bill it is untruly alledged: without that, that the ſaid complainant by diverſe and ſundry meanes in friendly manner hath oftentimes ſought to have the ſaid evidences and copies, and requeſted the ſame at the hands of this defendant: and alſo that he would yeeld unto your ſaid Orator the quiet poſſeſſion of the ſaid meſuage, tenements, and premiſſes, or that he this defendant doth well know the ſame, in right to belong unto him the ſaid complainant, as in the ſaid bill it is untruly alledged: and without that, that he this defendant of malice againſt the ſaid complainant doth threaten him the ſaid complainant, in ſuch ſort, that hee for want of the ſaid evidences, dareth not make his juſt and lawfull entrie or claime, to and in the ſaid premiſſes, or that he the ſaid defendant hath or could commit, or doth or can continue daily committing great and outragious waſtes and ſpoiles, in decaying of the houſes, and felling downe of the woods and timber trees of the premiſſes, to the great loſſe and diſheriſon of the ſaid complainant, and contrary to all right, equity and good conſcience, as in and by his ſaid bill of complaint he hath moſt vainely and untruly alledged. For touching the ſaid ſuppoſed threats, this defendant ſaith, that he is a very feeble poore old quiet man, very deſirous of the favor and good will of all men, and therefore neither willing nor able by his threats to terrifie or feare the ſaid complainant, being a gentleman of worſhip, power, and living, having many kinſfolks, alies, friends, and ſervants, ſo that he this defendant, hath rather juſt cauſe to be afraid of the ſaid complainant, then the ſaid complainant to feare him: and further touching the ſaid waſtes and ſpoiles this defendant ſaith, that the ſaid cuſtomary or copihold lands in W. aforeſaid, are holden of the manor of W. aforeſaid. And without that, that the ſaid complainant hath, or ever had any lawfull title to commence any action or ſuit, or to make any entrie, againſt or upon this defendant, for any lands, tenements, or hereditament, in the ſaid bill of complaint mentioned, as it is therein untruly alledged: and without that, that this defendant can upon his corporall oath manifeſt ſuch matter, whereby the ſaid complainant may the more better, eaſily, and readily proceed and attaine to the recovering of any juſt or lawfull right or inheritance,

or

or in any other manner then in this answer is set down, as the said complainant unwisely gheseth, and most vainely hopeth, as he in his said bill alledgeth: And without that, that any other matter, thing or things, clause, sentence, article, or allegation in the said bill of complaint contained materiall or effectuall in the law to be answered unto by this defendant, and not herein confessed and avoided, denied or traversed, is true. All which matters this defendant is ready to averre and prove, as this honorable Court shall award: And therefore prayeth to be dismissed out of the same, with his reasonable costs and charges in this behalfe wrongfully and without cause sustained.

The Replication of H. E. Esquire complainant, to the Answer of H. H. defendant.

Sect. 70. THe said complainant for Replication saith, that hee will averre, maintaine, and justifie, his said bill of complaint, into this honorable Court exhibited, and every matter and thing therein contained, to be certaine true, and sufficient in the law to be answered unto by the said defendant, and not demised and exhibited into this honorable Court of any malice or evill will, but upon just cause conceived against the said defendant, as the said defendant in his answer untruly hath alledged. And for further replication saith, that the said H. E. late father of this repliant, was lawfully seised to him and to his heires, according to the custome of the said manor of W. of the said tenements and other things in the said bill mentioned, by good and lawfull conveyance and assurance in the law, according to the custome of the said manor: And did convey, assure and surrender, the said customary tenements and premisses to the use of the said replicant and of his heires, and the said complainant did pay his fine therefore, and was lawfully admitted tenant thereof, as he the said complainant in his said bill very truly pretendeth. And also he saith, that the evidences and copies of, and concerning the said tenements and premisses, are come to the hands of the said def. and that by colour thereof, the said def. hath wrongfully entred into the said messuage, tenements, and premisses, and hath conveyed to himselfe, and to others to his use, divers and sundry secret estates therein, as in his said bill of complaint is also most truly declared: and that the said complainant hath oftentimes sought and requested to have the said writings, copies, and evidences at the hands of the said defendant: and also that he would yeeld unto him the quiet possession of the said messuage and premisses: and also that the said def hath and still doth commit, and continue daily committing great and outragious wasts and spoiles, in decaying of the houses, and felling downe of the woods and timber trees of the premisses, to the losse and disherison of him this complainant

plainant, as in the ſaid bill of compl. is truly alledged: And without that, that any other matter or thing contained in the ſaid Anſwer, materiall or effectuall to be repli'd unto, and not herein ſufficiently confeſſed or avoided, traverſed or denied, is true. All which this complainant is ready to averre and prove, as this honourable Court ſhall award. And prayeth as he before in his ſaid bill of complaint hath prayed.

A Bill to ſtay ſuit at the Common Law upon an Obligation, becauſe the money is ſatisfied in divers payments and reckonings.

TO moſt humble wiſe complaining, ſheweth to your good Lordſhip Sect. 71.
Fr. P. That whereas one H. B. of D. in the County of D. Eſquire now deceaſed, having many daughters to advance, which were then but of tender yeeres, did about 21. yeeres now laſt paſt, make his laſt Will and Teſtament in writing, and by the ſame did give and demiſe amongſt divers and ſundry other legacies amounting to a very great value, the ſum of C. li. to A. one of his daughters, and of his ſaid laſt Will and Teſtament did nominate, conſtitute and appoint your ſaid Orator, and one G. R. Eſquire being his neere kinſman, and aſſured good friend, his executors: but alſo did commit the governement and education of his ſaid children unto them, and after died. By, and after whoſe deceaſe, and before the probat of the ſaid laſt Will and Teſtament, the ſaid R. died: by reaſon whereof your ſaid Orator alone proved the ſaid Will, and took upon him the execution of the ſame, and afterward one J. W. being a man very baſely borne, and of very little credit, did without the privity, conſent, or good liking of your ſaid Orator, or of any other to whom the ſaid H. B. had committed the governement and education of his ſaid children contract himſelfe with the ſaid Anne, and with her did marrie. After which marriage, albeit your ſaid Orator greatly miſliked therewith, and that the ſaid H. B. had bequeathed unto the ſaid Anne but the ſum of C. li. yet your ſaid Orator, in reſpect of the neere alliance betweene him and the ſaid children, and to the end they ſhould live in the better credit and account, was amongſt the reſt contented to beſtow on the ſaid Anne C. li. more then her ſaid father bequeathed unto her: and thereupon, at the ſpeciall requeſt and earneſt ſuit of the ſaid J. W. and the ſaid Anne then being his wife, and for their better credit, advancement, and preferment, did not only preſently pay and deliver to the ſaid J. W. in ready money the ſumme of L. li. parcell of the ſaid ſumme of C. li. ſo bequeathed to the ſaid A. his wife, as is aforeſaid, but alſo became bound unto the ſaid J. W. in the ſumme of C. pounds, for the payment of L. pounds more, at certaine times in the Condition of the ſaid Obligation mentioned, which amounted to the full ſumme of C. pounds, ſo bequeathed as is aforeſaid to the ſaid A.

And

And then also became bound unto the said I. W. in one other bond, in the summe of C C. li. for the payment of C. li. at certaine times in the condition of the said Obligation limited, which your said Orator of his owne liberality, and for the advancement of the foresaid Anne, gave unto her sithence: Which bonds so made, the said I. W. having had many occasions to use money, hath often made meanes unto your said Orator, to relieve his necessity therein, before such times as the same summes, or any of them grew due unto him, to bee payd by the said severall Obligations, by reason whereof your said Orator about the sixth day of July, in the first yeere of his Majesties raigne that now is, payed and delivered unto the said I. W. the summe of l. li. more in part of payment, and satisfaction of the said summe of Cl. li. growing by the said two severall Obligations, wherein your said Orator standeth so bound, as is aforesaid; and your said Orator likewise payed and delivered unto the said I. W. at such times as the said I. W. hath demanded the same, divers severall summes of money, amounting in the whole to the summe of xxi li. viii. s. which the said I. W. hath accepted in part of payment of the said summe of Cl. li. and which the said I. W. knoweth to be true, and also your said Orator hath payed by the hands of F. B. to the said I. W. and in discharge of some debts due by the said I. W. and by his appointment at severall times, the summe of lxxx li. vi. s. iiii. d. which the said I. W. hath also accepted in part of payment of the said summe of one hundred and fiftie pounds, which said severall summes the said I. W. hath from time to time accepted, as in part of payment and discharge of the said summe of Cl li. And your said Orator also standeth bound for the onely debt and duty of the said I. W. for the payment of twenty pounds more unto I. P. Esquire, which your said Orator alwayes hath beene, and yet is ready to pay for the said I. W. when he shall be thereunto required, so that your said Orator hath in the whole payed and satisfied unto the said I. W. and in discharge of the debts of the said I. W. the full summe of one hundred fourescore and eight pounds and more, which is more then your said Orator needed to have paid unto him as any money due unto the said Anne, wife of the said I. W. for the said I. W. doth very well knowne that the said H. B. did not devise or bequeath any more unto the said Anne, then the summe of one hundred pounds. And doth also very well know, that hee hath divers and sundry times, upon the receit and payment of the said severall summes, not onely confessed the receit of the same, but also faithfully promised unto your said Orator, that hee would cancell and deface the said Obligations. Yet notwithstanding so it is, if it may please your good Lordship, that albeit the said I. W. doth very well know, that your

said

ſaid Orator hath fully ſatisfied and payed unto him the ſaid ſumme of 100. pounds, bequeathed by the ſaid H. B. unto the ſaid Anne, and hath alſo fully ſatisfied and payed unto him 88. pounds and more, parcell of the ſaid 100. pounds, which your ſaid Orator gave unto the ſaid Anne of his owne free liberality, for the advancement of the ſaid A. and that the ſaid Obligations, viz. one of 100. pounds, for the payment of 50. pounds, and one other Obligation of 200. pounds, for the payment of 100. pounds, which your ſaid Orator became bound in, unto the ſaid J. W. were for the ſelfe ſame debts, which your ſaid Orator hath at ſeverall payments, as is aforeſaid, payed unto him in diſcharge, and in part of ſatisfaction of the ſaid ſeverall Obligations, ought in all right, equity, and good conſcience, to be cancelled and defaced, upon the payment of the reſidue of the ſaid ſummes which is behind, and which your ſaid Orator is ready to pay, yet he the ſaid J. W. having a very greedy and covetous diſpoſition to enrich himſelfe, albeit hee doth very well know the ſaid ſeverall Obligations to bee in effect fully ſatisfied and diſcharged, as is aforeſaid, and that he hath not at any time beene any thing damnified by the forbearing of the ſaid ſeverall ſummes, yet hath he now lately commenced ſuit upon one of the ſaid Obligations, in his Majeſties Court of Kings Bench, and upon the other Obligation, in his Majeſties Court of Common Pleas, meaning to take the whole forfeiture of the ſaid ſeverall Obligations againſt your ſaid Orator, in that your ſaid Orator did not in truth alwayes pay unto him the ſaid ſeverall ſummes, according to the condition of the ſaid Obligations, but did alwayes pay the ſame at ſuch times as the ſaid J. W. had occaſion to uſe it, and as hee did at any time demand it, and doth with all the expedition he can, and with the moſt hardneſſe that hee may uſe, ſeeke to recover the penalties of the ſaid ſeverall Obligations againſt your ſaid Orator, contrary to all right, equity, and good conſcience, and to the great hurt and hinderance of your ſaid Orator. And albeit your ſaid Orator hath diverſe and ſundry times earneſtly required of the ſaid J. W. not onely to cancell and deface the ſaid Obligations, upon the payment of the reſidue, and forceaſe his ſeverall ſuits commenced upon the ſame: yet that, or any of them to do, hee hath denied and refuſed, and ſtill doth deny and refuſe, contrary to all right, equity, and good conſcience: In conſideration whereof, And foraſmuch as your ſaid Orator hath no good matter to plead in Barre of the ſaid ſeverall Actions, by courſe of the common lawes, in that albeit hee hath in truth payed and ſatisfied the ſaid ſeverall ſummes, in ſuch ſort as the ſaid J. W. held himſelfe contented therewith, yet can he not make any proofe of the payment of the ſame, according to the conditions of the ſaid ſeverall

Obli-

Obligations: And for that also the said I. W. hath not in any sort bin dammified by the forbearing of the said summes of money, or any part thereof, and yet if hee had, forasmuch as your said Orator hath fully payed unto him fourescore and eight pounds more then he need to have payed, and that of his owne liberality, there is now no reason why hee should seeke by rigor of law to take the forfeiture of the said severall Obligations, albeit it were true, that the same were not fully satisfied and discharged in such sort as they ought to be: May it therefore please your good Lordship, to grant unto your said Orator the K. Majesties most gracious severall Writs of Sub pœna and Injunction to be directed to the said I. W. not onely straitly charging and commanding him by the same, at a certaine day, and under a certaine paine therein to bee contained and limited, personally to appeare before your good L. in the Kings Majesties most high Court of Chancery, then and there to answer to the premisses, but also injoyning him by the same, his Counsellors, Attorneyes, and Solicitors, to stay and surcease the said severall Suits, and no further to proceed in the same, untill other order shall be therein taken by your good L. And your said Orator shall pray for your good L. in honour long to endure.

A bill for the detaining of a lease for yeeres, and taking the profits of the lands leased, and secret taking of a Cow distrained and impounded by the plaintife out of the pound, and charging him with the espoyning of the same Cow.

Sect. 73. HUmbly complaining, sheweth to your good L. your daily Orator N. C. of H. in the County of D. Gentleman, that whereas one L. E. of H. aforesaid Gentleman, was lawfully seised in his demesne as of fee, of and in divers and sundry lands, tenements, hereditaments, with the appurtenances, set, lying, and being in H. aforesaid, And he so being thereof seised about the twentieth day of May, in the first yeare of the raigne of our Soveraigne Lord the Kings Majesty that now is, at H. aforesaid, for and in consideration of a certaine sum of money to him by the said N. C. well and truly contented and paid, and by indenture of lease, the certaine date whereof your said Orator knoweth not for that he hath not the said Indenture, did demise, grant, set, and to farme let the same unto the said N. and his assignes, for and during the full end and terme of two yeeres then next following. By force whereof your said Orator was thereof lawfully possessed, untill about the second yeere of the raigne of the Kings Majesty that now is, R. B. W. G. N. T. R. W. W. F. W. E. and K. his wife by casuall meanes having obtained and gotten into their hands, or into the hands of some of them, the said Indentures, confederating themselves together, of purpose,

purpoſe, to wrong your ſaid Orator, and to expell and put him from his lawfull and quiet poſſeſſion of the premiſſes, or the greateſt part thereof, entred into one parcell of the premiſſes called B. fields, being then ſowed with oates by your ſaid Orator, and at the ſame time put in one cow and heyfer, very maliciouſly to depaſture and eat the graine and corne of your ſaid Orator therein then growing, which ſaid cow and heyfer, was, and remained there depaſturing, eating, and treading downe the ſaid graine and corne, untill your ſaid Orator came and diſtrained the ſaid cow and heyfer for dammage there doing, and impounded the ſaid cow and heyfer in a pound overt, at H. aforeſaid, as lawfull was for him to do, ſhortly after which impounding of the ſaid cow and heyfer, that is to ſay, upon the xii. day of Septem. the ſaid R. W. W. F. W. E. and K. his wife repaired unto the dwelling houſe of your ſaid Orator at H. aforeſaid, and then and there required your ſaid Orator to deliver the ſaid cow and heyfer forth of the ſaid pound, affirming that they were ſent thither to that intent and purpoſe by the ſaid R. B. W. G. and N. T. which to do your ſaid Orator refuſed, as lawfull was for him to do, becauſe the ſaid W. F. E. and K. his wife, nor any of them, did then and there tender unto your ſaid Orator, any amends or ſatisfaction for, or towards the ſaid treſpaſſe: But ſo it is if it may pleaſe your good Lordſhip, that about eleven or twelve of the clock in the night of the ſaid 12. day of Septem. the ſaid cow and heyfer were conveyed forth of the ſaid pound, (the doore or gate of the ſaid pound being faſt locked) by the ſaid R. B. W. G. N. T. R. W. W. F. W. E. and K. his wife, or ſome of them, as your ſaid Orator verily thinketh, and is perſwaded in conſcience; ſithence which time, the ſaid B. G. and T. have moſt falſely and unconſcionably charged, and ſtill charge your ſaid Orator for the eſloyning and conveying away of the ſaid cow and heyfer, and have thereupon not onely commenced ſuit againſt your ſaid Orator at the common law, but alſo by colour of having the ſaid Indenture, have made and contrived unto themſelves, or ſome of them, or to ſome other perſons, to their, or ſome of their uſes, ſundry ſecret eſtates of the premiſſes, and do yet moſt wrongfully detaine, and withhold the poſſeſſions of a great part of the premiſſes from your ſaid Orator, to his great hurt and impoveriſhment: And foraſmuch as your ſaid Orator hath not any ordinary remedy by the due courſe of the common lawes of this Realme, for the recovery of the ſaid Indenture, for that he knoweth not the certaine date or contents thereof, nor wherein the ſame is contained: And ſo thereby not onely very like to loſe his lawfull and rightfull poſſeſſion of, in, and to the premiſſes, but alſo ſtandeth in great danger to loſe great dammages for the ſuppoſed eſloyning of the ſaid cow

and

and Heyfer, unleſſe it pleaſe God, as your ſaid Orator hopeth it will, to move the hearts of the ſaid B.G.E.W.F.E. and B. his wife, upon their anſwers and oaths in this honorable court, to diſcover and diſcloſe the truth of their evill dealing and diſorder in breaking of the ſaid pound, and taking forth of the ſaid Cow and Heyfer, conveying them to unknowne places, of purpoſe to charge your ſaid Orator therewith. And foraſmuch as they have denied and refuſed, and yet do refuſe and deny, either to permit or ſuffer your ſaid Orator quietly to have and take the iſſues and profits of the ſaid premiſſes, or to deliver unto him the ſaid Indenture of leaſe, although hee hath oftentimes moſt gently, and friendly required and deſired them ſo to do: It may therfore pleaſe your good Lordſhip, &c. As before is ſaid in Section 61.

The Anſwer of the ſame Bill.

Sect. 73. THe ſaid defendants ſay, and either of them for himſelfe ſeverally ſaith, that the ſaid bill of complaint is very uncertaine, untrue, and inſufficient in the law to bee anſwered unto by theſe defendants, or any of them for diverſe apparant faults and imperfections therein contained, and the ſame very frivolous, as theſe defendants thinke, for ſundry cauſes, and namely for that, that it is thereby ſuppoſed, that they and others, by reaſon of having the cuſtody of the ſaid ſuppoſed Indenture or leaſe pretended to be made by the ſaid T. E. in the ſaid bill named to the ſaid compl. of the ſaid demeſne lands of the Highlow aforeſaid, or two yeeres now ended, if any ſuch were, have made or contrived unto themſelves, or to ſome other perſons, and to their uſes, ſundry ſecret eſtates of the premiſſes, where if any ſuch eſtates had beene made, they be already determined. And the ſaid def. further ſay, that as they verily thinke by the ſcope of the ſaid bill, containing in it ſelfe much like matter, ſet out with many words, and ineffectuall matter worthy to bee examined in this honorable Court, the ſame bill is deviſed and exhibited into this honourable Court, of meere malice and evill will, to the intent to moleſt and trouble theſe defendants, and others in the ſame bill named being quiet poore men, dwelling almoſt ſeven ſcore miles from the City of W. with long and tedious journies to make their perſonall appearance in this honourable Court, to anſwer the ſaid frivolous and untrue bill, without any good or juſt cauſe ſo to do. The advantage of exception to the manifeſt incertainty and inſufficiencie of which untrue bill of complaint to theſe defendants, and either of them ſaved, for anſwer thereunto, they, and either of them for himſelfe ſeverally ſaith, that they thinke it to bee true, that the ſaid T.E. of H. in the ſaid bill named, was lawfully ſeiſed in his demeſne, as of fee, or fee taile, of, and in diverſe lands, tenements, and here-

herſitaments, with the appurtenances, ſet, lying, & being in H. aforeſaid, and that he being thereof ſo ſeiſed about 2. yeeres now laſt paſt, did demiſe, grant, ſet, and to farme let the ſame unto the complainant for 2. yeeres, as it is in the ſaid bill alledged, without that, that theſe defendants of purpoſe to expell the ſaid complainant from his lawfull poſſeſſion of the premiſſes, or the greateſt part thereof entred into the ſaid parcell of the premiſſes, being ſowen with oates, by the ſaid complainant, or at the ſame time put in one cow, and one heifer, very malitiouſly to depaſture and eat the graine and corne of the ſaid complainant growing therein. Or that the ſaid cow and heifer to theſe defendants knowledge, remained there depaſturing, eating, or treading downe the ſaid graine and corne, untill the ſaid complainant came and diſtrained the ſaid cow and heifer, for damage there doing, and impounded the ſaid cow and heifer in a pound overt at H. aforeſaid, to their knowledge, as in the ſaid bill is very untruly alledged. And without that, that ſhortly after the ſaid impounding of the ſaid cow & heifer, that is to ſay, the 11. day of S. the ſaid R. W. W. F. W. E. and K. his wife, by the knowledge of the ſaid defendants, or either of them, repaired unto the ſaid dwelling houſe of the ſaid complainant, at H. aforeſaid, and then and there required the ſaid complainant to deliver the ſaid cow and heifer forth of the ſaid pound, affirming, that they were ſent thither to that intent and purpoſe by theſe defendants, and the ſaid N. T. in the ſaid bill named, as in the ſaid bill is untruly alledged. And without that, that to theſe defendants knowledge there was any ſuch cauſe, that any amends ſhould have beene tendered unto the ſaid complainant, for, or towards the ſaid ſuppoſed treſpaſſe. Or that about 11. or 12. of the clocke in the night of the ſaid 11. day of September, the ſaid cow and heifer were conveyed forth of the ſaid pound by theſe defendants, or either of them, or that theſe defendants, or either of them, have unconſcionably charged the ſaid complainant, for the eſſoyning and conveying away of the ſaid cow and heifer, or thereupon commenced any ſuit againſt the ſaid complainant at the Common Law, as in the ſaid Bill is very untruly alledged, for they theſe defendants verily thinke, that there was never any ſuch cow and heifer, ſo as is aforeſaid, diſtrained, and without that that theſe defendants by colour of having of the ſaid Indenture in the ſaid Bill mentioned, have made and conveyed unto themſelves, or to any other perſon or perſons to their uſes, and ſecret eſtate of the premiſſes, or any part thereof, or doe wrongfully deteine and with-hold the poſſeſſion of a great or any part of the premiſſes from the ſaid complainant, as in the ſaid Bill of complaint it is likewiſe untruly alledged. And without that, that theſe defendants, or either of them, have denied and refuſed, or yet

do deny or refuse, either to permit or suffer the said complainant quietly to have and take the issues and profits of the premisses, or deliver unto him the said supposed Indenture or Lease, as in the said Bill is untruly surmised, for these defendants say, that to their knowledge they never saw nor heard read any Indenture or Lease. And without that, that any other matter, thing or things, &c.

A Bill to be relieved for Obligations made for Simony.

Sect. 74. IN most humble wise complaining, sheweth unto your honourable L. your daily Orator W. C. Parson of T. in the County of Y. That whereas about five yeeres now last past, W. by the permission of God, now Bishop of L. and C. was lawfully seised of the advowson of the vicarage of D. in the County of D. as of one in grosse, by it self, as of fee in right of his B. aforesaid, and unto the same vicarage being vacant, did present your said Orator his Clerke, who was afterwards admitted, instituted, and inducted into the same accordingly: which vicarage afterwards by resignation into the hands of the said B. to present againe to the same, as the very true patron thereof, became void. And afterward your Orator became an humble suitor unto the said B. in the behalfe of one R. W. Clerke, that it should please him to present the same R. W. to the said vicarage, which after long suit, it being first agreed betweene your said Orator and one C. O. with the knowledge and consent of the said B. that your said Orator in respect of the said presentation and admission of the said R. W. that there should a certaine summe of money, amounting as your said Orator thinketh, to the summe of thirtie pounds, to be paid at certaine dayes then betweene them agreed upon, for the payment thereof, and that for true payment of the said sum at the said dayes, your Orator should become bounden unto the said C. O. by severall Obligations, whereupon afterwards, that is to say, the 20. day of J. which was in the 28. yeere of the raigne of the Queenes most excellent Majestie that now is, your said Orator for the onely consideration aforesaid, and for the onely benefit of the said R. W. aforesaid, became bounden unto the said C. O. in foure or five severall Obligations, videlicet, by some Obligations in the summe of 20. li. or thereabouts, for the payment of 10. li. and in some other, in other summes for payment of 5. li. or thereabouts, at the said dayes and times, betweene them so as is aforesaid agreed upon, and thereupon the said R. W. for the said considerations was instituted and inducted into the said Vicarage accordingly: which bonds were so made by your said Orator in hope, and upon the faithfull promise of the said R. W. would have paid and discharged the said severall summes

ſummes of money at the ſaid dayes, accoꝛding to the ſeverall conditions of the ſaid obligations: but now, ſo it is, that if it may pleaſe your honourable Lo. Ship, that the ſaid R. W. though oftentimes by your ſaid Oꝛatoꝛ required, hath not paid the ſaid ſeverall ſummes of money, noꝛ any of them unto the ſaid C. D. accoꝛding to the ſaid ſeverall Obligations, and accoꝛding to the ſaid agreement, & his ſaid pꝛomiſe in that behalfe made, as is afoꝛeſaid: by meanes whereof, the ſaid Obligations, oꝛ the moſt part of them beene foꝛfeited, and your Oꝛatoꝛ already thereupon impleaded in her Majeſties Court, called the Kings Bench, and by reaſons of the ſaid Obligations, oꝛ ſome of them, very like ſpeedily to be condemned thereupon, if by your L. gracious meanes he be not ſpeedily relieved, the which ſaid pꝛactiſes are much againſt all right, equity, and good conſcience, and to the great dammage, loſſe, and hinderance of your ſaid Oꝛatoꝛ. In tender conſideration whereof, and foꝛ ſo much as the ſaid pꝛomiſe of R. W. and the ſaid agreement foꝛ the payment of the ſaid ſeverall ſummes of money, being matters of coꝛruption and unlawfull ſimony, were ſo cloſely and ſecretly wꝛought and contriued amongſt them, that your ſaid Oꝛatoꝛ is not able to make any ſuch due pꝛooſe thereof, as the ſtrict courſe of the common Lawes of the Realme in this behalfe requireth, and ſo your L. ſaid Oꝛatoꝛ is utterly without remedy, by the common Lawes to avoid the ſaid bond, oꝛ to make pꝛooſe of the ſaid aſſumption and pꝛomiſe of the ſaid R. W. though the ſame be ſo well knowne unto the ſaid Biſhop, and the ſaid C. D. his factoꝛ, pꝛocuratoꝛ foꝛ ſuch contracts of ſimony, and alſo to the ſaid R. W. that your Oꝛatoꝛ verily thinketh, they will upon their anſwers hereunto in this honourable Court, upon their coꝛpoꝛall oaths, if they be not altogether blinded with extreme covetouſneſſe, confeſſe the truth to be, as is afoꝛeſaid. It may thereſoꝛe pleaſe your honourable Lo. Ship to grant unto your ſaid Oꝛatoꝛ her Majeſties moſt gracious wꝛit of Sub pœna, to be directed unto the ſaid W. B. and unto the ſaid C. D. and R. W. thereby commanding them, and every of them, at a certaine day, and under a certaine paine therein to be limited by your Lo. Ship, to be, and perſonally to appeare befoꝛe your honourable Lo. Ship in her Majeſties moſt high Court of Chancery, then and there to anſwer unto the pꝛemiſſes, and to abide ſuch further oꝛder and direction therein, as to your hon. L. ſhall ſeeme to ſtand with right, equity, and good conſcience, and alſo to grant unto your ſaid Oꝛatoꝛ her Majeſties moſt gracious wꝛit of Injunction to bee directed unto the ſaid C. D. thereby commanding and iniopning him, and all his Councellоꝛs, Soliciтоꝛs, and Atturnies, to ſtay his ſaid ſuits and pꝛoceedings againſt your ſaid Oꝛatoꝛ, at and by the common Lawes, untill the pꝛemiſſes ſhall be heard and determined, oꝛ otherwiſe

ordered in this honourable Court, And your said Orator shall daily pray unto Almighty God for the preservation of your honourable Lordship, in good health long to continue.

A Bill for boording.

Sect. 10. HUmbly complaining, sheweth unto your Lordship your daily Orator F.W. of R. in the County of L. gentleman: That whereas about foure or five yeeres since, one E.C. then the widow of B.C. and now wife to R.H. of N. in the County of L. yeoman, very earnestly and instantly required of your said Orator, not onely for her selfe and her sonne to be tabled or boorded at the house of the said complainant, but also to have house roome for continuall abode and lodging with him likewise, promising liberally & fully to recompence both the cost and trouble which your said Orator, or his household should sustain therein: upon hope of which promise and agreement, your said Orator did to the full request and satisfaction of the said E. table and lodge the said E. and her sonne, being of the age of seven yeeres or thereabouts, during her widowhood, by the space of two yeeres at the least, ended about the Annunciation of the virgin Mary, in the 20. yeere of the Q. Majesties raigne, about which time the said E. tooke to husband the said R.H. after which marriage, upon like promise & agreement which the said R. your said Orator did likewise boord, or table and lodge in his house the said R. and E. her sonne, and a servant, by the space of one whole yeere and a halfe, ended about May day last past, during which time also the said R. put your said Orator to great charge and trouble, with divers horses, as well kept in the houses of your said Orator, and at his cost, as also abroad in his closes and pastures, notwithstanding all which costs, troubles, and charges of your said Orator. Now so it is, if it may please your Lordship, that the said R. and E. being departed from the house of your said Orator, craftily, deceitfully, and unconscionably, refuse utterly, and deny to give any recompence or consideration to your said Orator for their meat, drink, lodging, or other charges, contrary to all humanity, equity, and right. In tender consideration wherof, and for that your said Orator is without all help by the strict order and course of the common law, for that for the said tabling, lodging, and charges, there was no certain time, nor no certain sum of money agreed upon amongst the said parties, nor promised by the said R. and E. and that also the said agreement was between themselves only without any witnesse. May it please your L. to grant unto your said Orator the M. Majesties writ of Sub pœna, to be directed to the said R. and E. and your said Orator shall daily pray for your good Lordship, &c.

A

A Demurrer for double vexation.

The Demurrer of R. and W. defendants, to the Bill of G.W. Complaint.

THe said Defendant, by protestation, not confessing or acknowledging any thing in the said Bill alledged, materiall against this Defendant, to charge him to be true, but rather devised and set forth onely of purpose to put this defendant to wrongful veration, costs, charge, and expences in the law, for that before this time, that is to say, about the terme of Easter, in the 25. yeere of the raigne of our soveraigne Lady the Q. Majesty that now is, the said compl. unto this honourable court of Chancery, exhibited against this Defendant a Bill, containing in effect the same matter which is alledged in the Bill now exhibited, differing only in forme, but nothing in substance, saving by adding some five acres, as the number of foure or five, as estimating one close in this bill at foure acres, in the former estimated but at two, or thereabouts, and another close in this Bill now exhibited, at three acres, in the former estimated at two, or thereabouts, and putting some acres to some other closes, the which before were set downe without limitation or naming of any acres at all, being the selfe same closes and messuage in the former Bill expressed, used and occupied by the same title and name, and the same number of acres, now put in more of purpose, to give the same Compl. some colour to exhibit this Bill, as though it were a new matter, although indeed it be nothing so. To which former Bill this Def. answered, and thereto the said Compl. replied, and this Def. rejoyned and so discended to Commission, wherein this Defendant joyned with the said Complainant, and named Commissioners for himselfe, as the said Compl. named others for himselfe, and this Defendant then bare halfe the charges of the same Commission, as in such cases is used. And when the time came, that the same Commission was to be sitten on, the said Compl. forefollowed the same, neither gave any warning to this Defendant, nor laboured his own Commissioners, that this Defend. ever heard of, to meet for the execution of the same, but suffered the same to stay by the space of five or six Termes, or thereabouts, as this Defend. remembreth: whereupon this Defendant for his own expedition at his own costs & charges, procured a Commission for examination of witnesses in the matter directed to the selfe same Commissioners that the former Commission was, and gave notice thereof to the said Compl. and to one of his Commissioners, who agreed to meet at the day and place appointed, where this Def. was present with his Commissioners, and Witnesses, and one of the said Complainants Commissioners was in the Towne where the place was appointed the same day and time ready Sect. 77.

ready to have executed the ſaid Commiſſion, if the ſaid compl. would have ſpoken to him therefore, as this def. was credibly informed, and the ſaid compl. was there preſent at the ſame time and place, and did, or might have ſpoken with him that was named Commiſſioner for him, who had a dwelling houſe in the ſame towne, being the towne of M. in the ſame County: and then and there the deponents upon this def. behalfe were ſworne and examined by and before theſe defen. then Commiſſioners, and ſome of them ſworne in the preſence of the ſaid compl. And thereupon the depoſitions and examinations of the witneſſes ſo ſworne, were by theſe defendants, then Commiſſioners, cauſed to be ingroſſed in parchment, and certified into this hon. Court, and afterwards publiſhed, and after publication, this def. ſtayed without doing any thing therein by the ſpace of two termes, or thereabouts, during which time the ſaid compl. did or ſaid nothing at all in the ſaid Court touching the ſaid ſuit, that this def. ever heard of. And then this def. cauſed the ſaid depoſitions to be exemplified under the great ſeale of Eng. to his great charges, which he hath ready to ſhew to this hon. Court. And the ſaid compl. being not contented with theſe cauſleſſe vexations of this def. Anone after that this complainant had obtained the ſaid Commiſſion, the ſaid compl. for this defendants further vexation, commenced ſuit againſt this def. in the Eccleſiaſticall Court of the Archb. of Yorke, within whoſe Dioceſſe the ſame lands and tenements in N. in the Bill mentioned be, and where the ſaid father of this compl. and def. died, upon ſurmiſed matters touching the ſuppoſed Will mentioned in the ſaid Bill, whereupon this defendant to his great charges appeared and anſwered, as behooved for the time, by himſelfe and his Proctor, as is there uſuall, which ſuit the ſaid compl. relinquiſhed alſo, as this def. thinketh, for he hath heard nothing thereof theſe xii. months and more. And now the ſaid compl. meaning nothing elſe but this def. trouble and moleſtation, hath renued the ſaid ſuit in this hon. Court again, which before he had in the ſame Court by the ſaid firſt Bill, containing the ſame matters in effect, and almoſt word for word, as in the ſame Bill is mentioned, whereunto this def. hath already anſwered, as appeareth by the ſame anſwer remaining of record here in this Court; and the ſame proceeded upon both, as is aforeſaid: wherefore this def. for the cauſes aforeſaid, and for the ſaid double vexation in this honour. Court by two Bills containing in effect but one matter in ſubſtance, demurreth in law, and prayeth, that he this def. may be diſmiſſed out of this honour. Court with his reaſonable coſts and charges in this ſuit wrongfully ſuſtained.

A Bill for not surrendring a lease made by the Plaintife to the Defendant in trust, to try a title, and for occupying, and wasting the tenth demised, and for detaining of writings of Copihold lands contrary to their agreement.

Sect. 77.

HUmbly complaining, sheweth unto your Lordship, your daily Orator J.R. of W. in the County of Y. yeoman, That whereas about fortie yeeres now last past, one W. Y. yeoman was lawfully seised in his demesne, as of fee, of and in one messuage, with the appurtenances in E. in the County of Y. and of, & in divers lands, tenements, medowes, pastures, and hereditaments thereunto belonging, being freehold land in E. aforesaid, and Y. in the said County of Y. & he being thers of such estate so seised about the first yeere of the raigne of the Q. Majestie, that now is, by his last will and testament in writting made, and written in the life time of the said W. Y. did give and bequeath the same to one E. then his wife, and now wife unto your said Orator, for the time of her naturall life, the remainder thereof after her decease to one R. Y. as by the said Will appeares, and afterward the said W. Y. died of such his estate thereof, so as is aforesaid seised, by force of which Will and device, the said E. by and after his death entred into the said messuage or tenements, and was thereof lawfully seised in her demesne, as of freehold, for terme of her life, the remainder thereof after her decease to the said R. Y. in forme aforesaid belonging: and also whereas the said W. Y. was in his life also seised, of, or in certaine Copthold or customary lands, lying and being within the manor of S. in the said C. of N. and holden of the said manor by Copie of the Court rolles of the same in his demesne, as of fee, according to the custome of the said manor, and he being thereof so seised, dyed thereof so seised, by and after whose death the said E. his wife was endowed of the third part of the said Copthold or customary lands and tenements, and according to the custome of the said manor, admitted thereof tenant by the Steward of the Court of the said manor accordingly, by force whereof she likewise entred into the third part of the said customary tenements and premisses, and was thereof likewise seised in her demesne as of freehold, as tenant in dower thereof, for the terme of her life naturall according to the said custome, and quietly, and peaceably occupied and injoyed the same untill about ten yeeres now last past. Now that your said Orator through importunacie and earnest perswasions of some friends of the said J.T. and A.L. was contented in some manner to yeeld unto their suit, and thereupon for the furtherance and triall of the title and interest of the said J.T. about the 14. day of J. in the 26. yeere of the Queenes Majesties raigne that now is, without any fine, income, or other consideration to him payd, but giving credit unto

the ſpeeches of the ſaid I. T. and A. L. that they would ſeeke nothing at the hands of him your ſaid Orator, but onely uſe the benefit of his preſent eſtate, for the reſiſting of certaine unlawfull ſuits and attempts which were then offered (as they then affirmed) as by the ſaid R. and others, did by this your ſaid Orators Indenture of leaſe, bearing date about the ſaid time, demiſe, grant, and to farme let to the ſaid I. T. and A. L. all the ſaid freehold lands, tenements, and hereditaments, with the appurtenances in E. & H. aforeſaid. To have and to hold the ſaid tenements, and premiſſes, with the appurtenances, to the ſaid I. T. & A. L. their executors and aſſignes, from the feaſt of S. M. the Biſhop in Winter laſt paſt, before the date of the ſaid Indenture unto the full end and terme of 21. yeeres thence next following, and fully to be complete and ended, if the ſaid E. did ſo long live, yeelding and paying therefore yeerly during the ſaid terme of 21. yeers unto your ſaid Orator, his executors, adminiſtrators, and aſſignes, 20. s. of lawfull Engliſh money, at the feaſts of Pentecoſt, and at S. Martin the Biſhop in Winter by even portions, as by the ſame Indenture more at large appeareth: by vertue and pretence of which demiſe, the ſaid I. T. and A. L. into all the ſaid tenements and premiſſes, with the appurtenances, about the ſame time entred, and were thereof poſſeſſed, and ever ſince their entry have quietly and peaceably occupied and enjoyed the ſaid demiſed tenements and premiſſes, & the rents, iſſues, and profits thereof ariſing and comming, have quietly and peaceably taken and converted to their owne only uſe: which rents, iſſues, and profits of the premiſſes, ever ſince the making of the ſaid leaſes, which is by the ſpace of ten yeeres now laſt paſt, have bin yeerly worth 4. li. at the leaſt, over and abo de all charges and reprizes. And in truth at the time of the making of the ſame leaſe, it was fully concluded and agreed by and between your ſaid Orator, the ſaid I. T. and the ſaid A. L. and the ſaid I. T. and A. L. in conſideration of the making of the ſaid leaſe to them by your ſaid Orator in manner and form aforeſaid, and for the cauſes aforeſaid, promiſed that the ſaid leaſe, and their ſaid eſtate thereby made, ſhould be ſurrendred and yeelded up unto your ſaid Orator, when either the ſaid ſuits were ended betweene the ſaid R. and them, or either of them, or when they by vertue of the ſaid leaſe had enjoyed the ſame demiſed tenements and premiſſes by the ſpace of one whole yeere, for then the ſame leaſe was ſo, as is aforeſaid, made onely for the defence and triall of the ſaid eſtate, right, and title of the ſaid I. T. and A. L. of, and in the ſame tenements, and premiſſes, and not to the intent that they or either of them ſhould by reaſon of the ſame Indenture, according to the purport and tenor thereof, for the terme of 21. yeeres have and enjoy the ſame, for ſo ſmall a rent, which nevertheleſſe they have done, and yet do ſo

occupie

occupie and enjoy the ſame, contrary to their ſaid faithfull promiſe and agreement, as is aforeſaid, thereof made: and yet not contenting themſelves with the ſaid occupation of the ſaid tenements, &c. do not only deny and refuſe to yeeld unto your ſaid Orator either the ſaid yeerly rent reſerved upon the ſaid leaſe, or any other conſideration for the occupying of the ſame, and utterly deny to yeeld unto your ſaid Orator any rent or conſideration for the ſame, being ſo as aforeſaid, behind by the ſpace of ten yeeres: but alſo do utterly deny to yeeld up unto your ſaid Orator their ſaid eſtate and terme of yeeres yet to come, of, and in the ſaid demiſed tenements and premiſſes according to their faithfull promiſes and agreement, ſo as is aforeſaid made, and further, ſince their ſaid entrie into the ſaid tenements and premiſſes, they the ſaid I. T. and A. L. or the one of them have razed or defaced all or part of the houſes, edifices, and buildings, which at the time of the making of the ſame leaſe were ſtanding and being upon the ſaid demiſed tenements and premiſſes, and the thack, ſlate, timber, and ſtone thereof, have either given away or converted the ſame to their owne uſes, without the conſent of your ſaid Orator, to the intent that the ſame tenements might ſo be made unmeet for the habitation of your ſaid Orator, and his ſaid wife, whereby they might the rather enforce your ſaid Orator for want of the ſaid buildings, to yeeld the ſame unto them, for little or nothing, by reaſon of the want of the ſaid Indenture, there being onely one part thereof made together, which with ſuch copies as concerne the ſaid Copihold lands, are in the hands and poſſeſſion of the ſaid I. T. and A. L. or of any of them, or of ſome other perſons by the delivery of them, or of one of them, the certaine number, dates, contents, and other certainties whereof your ſaid Orator knoweth not: and albeit that your ſaid Orator hath diverſe times in gentle manner required them the ſaid I. T. and A. L. to deliver unto your ſaid Orator the ſaid Indenture and copies, and to yeeld up and ſurrender unto your ſaid Orator, the ſaid intereſt of, and in the ſaid demiſed tenements and premiſſes, according to the ſaid agreement and truſt, yet they ſo to do have ever hitherto refuſed and denied, and yet do deny and refuſe to do the ſame, and to yeeld up and ſurrender the ſaid eſtate of, and in the ſaid premiſſes, according to the truſt in them repoſed, and to repaire and reedifie the ſaid tenements and premiſſes ſo by them raiſed, and pulled downe, as is aforeſaid, againſt all right, equitie, and good conſcience, and againſt all good and honeſt dealing, and to the impoveriſhing, and utter undoing of your ſaid Orator, and his ſaid wife, if ſpeedy remedie be not in due time by your honourable L. provided for the repreſſing of their ſaid unconſcionable purpoſes and attempts in the premiſſes. In tender conſideration whereof, and for ſo much as the ſaid

Indenture

Indenture, conclusion, promises, and agreements, so as aforesaid, had and made by, and betweene your said Orator and the said I. T. and A. L. concerning the premisses, were secretly made and agreed upon, by, and betweene themselves, and few witnesses being privie thereunto, or present with them at the time of the making thereof, which might testifie the same, and those witnesses (such as they were) be now either dead, or unto your said Orator utterly unknowne, being at the same time meere strangers unto your said Orator, & then brought thither by them the said I. T. and A. L. as it seemed, of set purpose to circumvent and deceive your said Orator, and his wife in the premisses, your said Orator then referring especiall trust and confidence to the said I. T. and A. L. as persons whom he tooke and accounted to have bin his very speciall good friends, and also very substantiall honest men, is utterly without all remedy by the strict course of the common Lawes of this Realme, of Eng. to recover either the possession of the same tenements and premisses, or of the said rents, they having his said Indenture of Lease as is aforesaid, or to recover the copies: It may therefore please your hon. L. the premisses graciously considered, to grant unto your said Orator, the M. Majesties writ of Sub pœna, out of her highnes Court of Chancery, to be directed unto the said I. T. & A. L. and either of them, thereby commanding them, and either of them at a certaine day, and under a certaine paine therein to be limited, to be, and personally to appeare before your hon. L. in the said court of C. then and there to answer unto the premisses, and to stand to, and abide such order and direction therein, as to your hon. L. shalbe thought to stand with right, equity, and good conscience. And your said Orator shall daily pray unto God for the preservation of your Honors prosperity and good health long to continue.

A Bill by an Administrator upon a promise made unto the intestate by the defendant, to pay unto him certaine money in marriage of the defendants daughter with one of the intestate sonnes.

Sect. 78. COmplaining, sheweth to your honourable L. G. Earle of S. Administrator of the goods and chattels of the right hon. G. Earle of S. deceased his late father, That whereas about seven yeeres now last past, there was certaine communication betweene the said G. Earle of S. in his life time, and one W. R. of B. in the County of N. Esquire of for, and concerning a marriage then intended to be made betweene H. T. Esquire, one of the sonnes of the said late Earle, and E. the onely daughter, and heire apparant of the said W. R. And thereupon it was fully concluded and agreed betweene the said late Earle, and the said W. R. and either party did mutuall promise, and agree to and with the other

other, that the said H.T. and the said E. daughter of the said W.R. should marry together, according to the Ecclesiasticall Lawes of this Realme of Engl. at a certaine day by the said parties, for that purpose agreed upon and appointed. And for and in consideration of the said mariage to be made, as is aforesaid, the said W.R. about the same time did assume, and to the said late Earle faithfully promise to pay and give unto the said late Earle 4000.li. of lawfull Engl. mony, or thereabouts, at certaine dayes likewise in that behalfe betweene them agreed upon, and now long since past: by reason of which agreement, promise, and assumption so made, as is aforesaid, the said H.T. did shortly after the said agreement, marry and take to his wife the said daughter of the said W.R. And thereupon the said W.R. did well and truly content and pay to the said late Earle the summe of 3000. li. parcell of the said summe of 4000. or thereabouts, And shortly after, and before hee the said late Earle had received the residue of the said summe of 4000.li. he the said Earle died. Now so it is, if it may please your honourable L. that the said W.R. not ignorant of the premisses, and nothing regarding his said agreement and faithfull promise and assumption, so as is aforesaid by him made, to and with the said late Earle, but imagining and fraudulently intending, as well the said late Earle in his life time, as your said Orator, being administ. of the goods and chattles of the said late Earle, since his death, in this behalfe falsly and deceitfully to defraud and deceive him of the summe of 1000. li. at the least, parcell of the said summe of 4000. li. or thereabouts, by him agreed and promised to be paid to the said late E. as is aforesaid in consideration of the said marriage, although he the said W.R. hath oftentimes, as well by the said late E. in his life time, as by the now E. since his death been curteously required to have paid the said summe of 1000. li. according to his said agreement, promise, and assumption, yet that to do, hath he ever hitherto denied and refused, and yet doth deny and refuse to do the same, contrary to his said faithfull promise and assumption, to the great losse and damage of the now E. and altogether against all right, equity, and good conscience. Notwithstanding that the said late E. in respect of the said marriage, hath conveied and assured unto the said H.T. a good estate of inheritance, of divers manors, lands, tenements, and hereditaments worth 3000.li. by the yeere, or thereabouts, whereof the said E. his daughter is intituled to have power by law: In consideration whereof, and for so much as by reason of the great trust and confidence which the said late E. did repose and put in him the said W.R. the said agreement, promise, and assumption, so as aforesaid, betweene them made, was so made secretly and privately betweene themselves onely, without calling any other person or persons unto them to bee witnesses thereof,

which

which might testifie the same agreement, promise, and assumption, so that for want of witnesses to prove the said promise and assumption, this compl. hath no remedy to recover the same summe of 1000 li. by the due and strict course of the common Lawes of this Realme, nor otherwise to recouer the said sum of 1000 li. if the said W. R. in his answer to the premisses upon his oath in this honourable Court shall not confesse the premisses to be true, as the complainant verily thinketh that he will: it may therefore please your hon. Lordships, the premisses considered, to grant unto this compl. the M. Majesties writ of Sub pœna, to be directed unto the said W. R. thereby commanding him at a certaine day, and under a certaine paine therein, by your good L. to be limited, to be, and personally to appeare before your hon. L. in her Majesties high court of Chancery, then and there to answer to the premisses, and to stand to and abide such order and direction herein, as to your hon. L. shall seeme to stand with right, equity, and good conscience. And your said Orator shall daily pray unto Almighty God, &c.

Sect. 79.

A Bill for entring into and detaining lands by colour of having evidence thereof, and for contriving secret estates.

IN most humble wise sheweth and complaineth to your honourable L. your daily Orator T. G. of, &c. That whereas one A. G. late of H. aforesaid, Esquire, deceased, about six yeers now last past, was in his life time lawfully seised in his demesne as of fee, of, and in one parcell of medow called the H. medow, containing by estimation 2. acres lying and being in H. in the said County of, &c. And the said A. G. so being of all and singular the said premisses seised, about six yeeres now last passed, of such estate thereof died seised. By and after whose death, all and singular the said premisses descended and came, as the same of right ought to descend and come to your said Orator, as brother and next heire to the said A. G. whereupon your said Orator immediately after the death of the said A. G. entered into all and singular the said premisses, and was thereof lawfully seised in his demesne as of fee, and the issues and profits of all and singular the said premisses, did receive, perceive, and take to his owne use, as lawfull was for him to do: But so it is right honourable Lord, that about three yeers now last past, all and singular the deeds, evidences, muniments, terres, and writings, concerning the said premisses, and of right belonging to your said Orator, by casuall meanes are come to the hands and custody of E. B. and W. E. who by colour of having the said deeds, evidences, muniments, terres, and writings in their hands, have not onely wrongfully entered into all and singular the said premisses, and expulsed and put out your

said

ſaid Oꝛatoꝛ, of and from the ſame, but alſo haue contriued and made diuers and ſundꝛy fained and ſecret eſtates of the ſaid pꝛemiſſes, to diuers perſons to your ſaid Oꝛatoꝛ unknowne, ſo that your ſaid Oꝛatoꝛ knoweth not againſt whom to bꝛing his action by the due oꝛder and courſe of the common lawes of this Realm, foꝛ the recouery of the ſaid lands meadowes, and pꝛemiſſes, to the manifeſt diſinheriſon of your ſaid Oꝛatoꝛ and his heires foꝛ euer, unleſſe your good L. accuſtomed fauour and ſpeedy redꝛeſſe be unto him ſhewed in that behalf, and foꝛ that your ſaid Oꝛatoꝛ knoweth not the certaine number of the ſaid deeds, euidences, muniments, terrers, & wꝛittings, noꝛ the true dates of them, noꝛ wherein the ſame, noꝛ any of them be contained, whether in boxe, bag, oꝛ cheſt locked, ſealed oꝛ open, he is alſo without his remedy by the due oꝛder and courſe of the common lawes of this Realme, foꝛ the recouery of the ſaid deeds, euidences, muniments, terrers, & wꝛittings, unleſſe your L. help and ſpeedy remedy herein be to your ſaid Oꝛatoꝛ extended: It may therefoꝛe pleaſe your honourable L. the pꝛemiſſes conſidered, to grant unto your ſaid Oꝛatoꝛ the M. Majeſties moſt gracious wꝛit of Sub pœna, to be directed to the ſaid E. B. and W. E. and either of them, commanding them and either of them thereby at a certaine day, and under a certaine paine in the ſaid wꝛit to be limited and appointed, perſonally to be and appeare befoꝛe your hono. L. in the M. high Court of Chancery, then and there to anſwer unto the ſaid pꝛemiſſes, &c. And further to abide ſuch oꝛder and direction therein, as to your good L. ſhall ſeeme to ſtand with equity and good conſcience. And your ſaid Oꝛatoꝛ ſhall daily pꝛay unto Almighty God foꝛ the pꝛeſeruation of your honourable L. in good health long to continue.

A Bill that the Plaintiſe was ſeiſed in fee of Copihold lands, and agreed in conſideration of money payable at certaine daies, to leaſe the ſame to the defendant for yeeres, as appeareth by articles, and that the defendant hath not payed the money, to the plaintifes loſſe and diſcredit.

HUmbly complaining, ſheweth unto your honourable L. your daily Oꝛatoꝛ I. S. of H. in the County of N. gent. That whereas upon the 8. of September in the 32. yeere of the raigne of the Queens moſt excellent Majeſty that now is, your ſaid Oꝛatoꝛ and A. his wife, as in the right of the ſaid A. were, and yet be lawfully ſeiſed in their demeaſne as of fee, accoꝛding to the cuſtome of the mannoꝛ of S. in the County of Y. Of and in one meſſuage oꝛ tenement in B. within the Chappelry of B. in the County of Y. then in the tenure oꝛ occupation of E. B. oꝛ of his aſſignes, And of diuers lands, meadowes, paſtures, Sect. 80.

paſtures, commons, profits, and commodities with the appurtenances thereunto belonging. And they being thereof ſo ſeiſed, it was then concluded and agreed betweene your ſaid Orator on the one party, and I. M. and P. M. on the other party, that your ſaid Orator and his ſaid wife within one yeere then next enſuing, ſhould ſurrender lawfully according to the ſaid cuſtome of the ſaid manor of S. and to convey unto the ſaid I. M. and P. M. their executors and aſſignes the ſaid tenement and premiſſes to thoſe of the ſaid I. M. and P. M. their executors and aſſignes, from the feaſt of S. Michael the Archangell, which ſhall be in the yeere of our Lord God 1591. unto the end and terme of eleven yeeres then next following, with ſufficient eartbote, heybote, and hedgebote to be taken upon the premiſſes, and for the yeerely rent of xii.d. to be paid for the ſame at two uſuall feaſts in the yeere, and that in conſideration thereof, the ſaid I. M. and P. M. did then covenant and promiſe, to pay unto your ſaid Orator the ſumme of 55. li. of lawfull Engliſh money in manner and forme following: that is to ſay, at, or before the feaſt of S. Michael the Archangell now laſt paſt 40. pounds of lawfull Engliſh money, and at, or before the feaſt of Martin the Biſhop now laſt paſt 15. li. thereof reſidue, as in and by certaine Articles indented, unſealed, thereof made betweene them, bearing date the ſaid 18. day of September, in the 32. yeere aforeſaid, amongſt divers other things plainly appeareth: But now ſo it is, if it may pleaſe your honorable Lordſhip to underſtand, that the ſaid I. M. and P. M. their promiſes and aſſumption aforeſaid not regarding, but imagining, and fraudulently intending your ſaid Orator in that behalfe falſly and deceitfully to deceive and defraud, the ſaid 55. li. nor any peny thereof, though oftentimes by your ſaid Orator gently required to make payment thereof, according to their promiſe and aſſumption aforeſaid have not payed, nor have in any wiſe contented your ſaid Orator, by meanes whereof your ſaid Orator hath not onely forborne and loſt great gaines and profits, which he might have gotten with the ſaid 55. li. by lawfull bargaining, buying and ſelling, if the ſaid I. M. and P. M. had payed the ſame according to their promiſes, but alſo hath thereby beene greatly hindred in his credit to divers perſons to whom he was indebted, in ſeverall ſummes of money, and unto whom he your ſaid Orator promiſed and became bound himſelfe by obligation to have paid the ſame, at divers dayes now paſt, upon hope of the fulfilling and performance of their ſaid promiſe, aſſumption, and agreement aforeſaid, which is to the grievous loſſe and damage of your ſaid Orator, and altogether againſt all right, equity, and good conſcience: In tender conſideration whereof, and for ſo much as the ſaid concluſion, promiſe, and agreement was ſo privatly, and ſecretly made betweene your

ſaid

ſaid Orator, and the ſaid I. M. & P. M. that no other perſons were then preſent which can teſtifie the ſame, ſo that your ſaid Orator for want of due proofe thereof, hath no remedy by the uſuall courſe of the common Lawes of this Realme to recover the ſame, nor otherwiſe, if they the ſaid I. M. and P. M. in their anſwers to the premiſſes in this honourable Court ſhall not confeſſe the truth of the premiſſes to be, as is aforeſaid, as your L. ſaid Orator verily thinketh they will: It may therefore pleaſe your honourable Lordſhip, the premiſſes graciouſly conſidered, to grant unto your ſaid Orator the Q. Majeſties writ of Sub pœna, to be directed to the ſaid I. M. and P. M. therby commanding them, and either of them, at a certaine day, and under a certaine paine therein to be limited by your good L. to be, and perſonally to appeare before your good L. in her Majeſties moſt high Court of Chancerie, then and there to anſwer to the premiſſes, and further to abide ſuch order and direction therein, as to your good L. ſhall ſeeme to ſtand with right, equity, and good conſcience. And your ſaid Orator ſhall daily pray unto Almighty God for the preſervation of your honor in good health long to continue.

An anſwer and demurrer to the ſame Bill.

THe ſaid defendants, and either of them making proteſtation, and not any wayes confeſſing any thing in the ſaid Bill of compl. contained to be true, in ſuch manner and forme, as in the ſame it is thereby ſet forth & declared, do further ſay, that the ſame are altogether deviſed, and contrived of malice, or ſet purpoſe, to put theſe ſaid defendants to wrongfull vexation, great trouble, & expences in the law for following of the ſame, as they are probably induced to thinke, and without any juſt ground or reaſonable cauſe by them given unto the ſaid complainant ſo to do: in which reſpect, and for becauſe that it evidently appeareth by the ſaid Bill, that if the ſaid complainants allegations were true in ſuch manner and forme, as in the ſaid Bill they are ſet down and declared, as theſe def. verily thinke, and are ſurely perſwaded they are not, the ſaid compl. hath good remedy, and ought to ſue for the ſame by way of action, at, & by the common law of this Realme, and not in this hon. Court, as theſe def. and either of them take it. And for the other apparant inſufficientes in the ſaid Bill of comp. conteined, the ſaid defend. and either of them demurre in Law, and demand judgement, whether they ſhall make any further anſwer unto the ſaid inſufficient Bill of compl. and do further pray to be diſmiſſed out of this honourable Court, with their coſts and charges, in this behalfe wrongfully ſuſtained: and yet nevertheleſſe, if the ſaid defend. or either of them ſhall be compelled by the order of this hon. Court, to make any further or Sect. 80.

other

other answer to the said untrue and unsufficient bill of complaint: then they and either of them for the satisfaction of this hon. Court, in the truth of all the matters in the said bill most untruly objected by the complainant, against the said def. for further and full answer thereunto, and for plaine declaration of the truth therein: They the said def. and either of them say, that true it is indeed, that there was a certaine speech or communication had between the said complainant and these said defendants for such a bargaine to be had and made between them in such sort, for the lease and paiments, as they are by the said bill alledged, the which said communication was then set downe in certaine articles, bearing date, in the said complainants bill alleadged. And it was then also most materiall, for these said def. further covenanted and agreed on the part of the said complainant, that that said cõmunication should be by him the said comp. put in writting by deed indented, and according to the Law be executed by sealing and delivering thereof, as these said def. then did, and yet do take it, and moreover that the said comp. and G.B. of C. in the Countie of D. Esquire, should become bound joyntly and severally unto the said defend. for the true performance of all and every the said agreements, in the sum of 100.li. before the payment of the said summe of 40.li. in the said bill mentioned, being the first payment which they should have made; the which said communication as the said defendants did account it, was then set downe in writting under the terme of articles of agreement, but yet never meant to conclude or bind the said bargaine, untill the same should have bin ingrossed, sealed and delivered, and the said oblig. entred at the said compl. costs and travell, as the said defen. have ever taken it, and thinke the same will prove so in law, because it was referred to further writtings more effectual in the law to be accomplished by the said com. the which to doe, he neither yet hath, neither as it seemeth meant to performe, but rather to gaine the said defen. money, without any assurance thereof to be made unto them, for that he hath not caused the said articles to be ingrossed, neither hath he and the said G.B. entred into bond to the said def. or either of them according to the said agreement, but wholly sought, if by any means he could, cunningly to possesse himselfe of the said summe of 55.li. or so much thereof, as he could without any assurance making, or entring into bond to the said defendants (as aforesaid) to the great impoverishment of the said defendants, if the said complainants intent had taken effect, for which causes they the said defendants thinke that the said complainant hath no just cause of complaint, neither are they the said defendants or either of them bound, as they take it, to performe the said payments in the said bill expressed, without that, that the said agreement was privately and

secretly

secretly made betweene the said complainant, and the said defendants as in the said bill is most untruly alledged, or that the said defendants ever meant any fraud or guile, as likewise in the said bill is very slanderously pretended. And without that, that any other matter or thing in the said bill of complaint contained, materiall or effectuall in the law to be answered unto, and in this their answer not sufficiently answered unto, confessed and avoided, traversed, or denied, is true, all which matters, these defendants and either of them are ready to averre and prove as this hon. Court shall award, and pray that they may bee dismissed out of the said Court, with their reasonable costs and charges in that behalfe wrongfully, and without cause sustained.

The Replication of Jo. S. complainant, unto the joynt and severall answers and demurrers of I. M. and P. M. defendants.

THe said complainant for replication saith, in all and every thing and things, as he in his said bill of complaint hath said, & doth and will averre, justifie, and maintaine his said bill of comp. and all and every thing and things, clause, sentence, article, and allegation therein contained, to be good, just, and true, certaine and sufficient in the law to bee answered unto by the said defendant, and devised and exhibited into this honourable Court, upon good and just cause of suit, as in and by the said bill is most truely set downe and inclosed: And not devised, imagined, and set forth by this complainant, against the said defendants upon malice or set purpose, to put these defendants to wrongfull and very unjust vexation, costs, charges, and suit in law, without any good ground or cause so to do, as in the said answer it is untruely alledged. But the said complainant saith, that the answers of the said defendants are very uncertaine, untrue, and insufficient in the law to bee replyed unto for divers and manifest imperfections therein contained. Nevertheless, if by the order of this honourable Court this complainant shall be compelled to make any further replication unto the said untrue, incertaine, and insufficient answers of the said defendants, then and not otherwise, the advantage of exception, to the manifest incertainty and insufficiencie thereof to this complainant, at all and every time and times hereafter saved, for further replication thereunto, saith, as in the said bill of complaint he hath said, without that, that at the said time of the making of the said agreement in the said bill of answer mentioned, it was further covenanted and agreed on the part of the said complainant, that the said communication should by the said complainant bee put in writing by deed indented, and according to the law be executed by sealing and delivery thereof. Or that Sect. 82.

This complainant, and the said G.B. Esquire, in the said answer named, should become bound joyntly and severally unto the said Defendant, for the true performance of all and every the said agreements in the summe of 140.li. in the said bill mentioned, being the first payment which they should have made, as in the said answer it is very untruly alledged, with this, that this complainant doth and will aver and prove, that the said communication in the said Bill and answer mentioned, set down under the terme of articles of agreement, was ever meant to conclude and binde the said bargaine, the same not referred to any further ceremony of ingrossing, sealing, and delivery, or entring into the said Obligation by the said complainant, or G.B. at the costs and travell of the foresaid complainant: and the said G. and this complainant also saith, that the same agreement was then fully and absolutely made, and not referred to any such further writing more effectuall in the law to be fully accomplished by the said complainant, as in the said answer it is conjecturally and untruly suggested, and without that, that this complainant, and the said G.B. or either of them, have meant to gaine the said defendants money, without any assurance made of the tenements in the said Bill mentioned to the said defendants, or wholly sought by any meanes he could, cunningly to possesse himselfe of the said sum of 50.li. or of so much thereof as he could, without any assurance making, or entring into Bond to the said defendants, as aforesaid, to the great impoverishment of these defendants, if the complainants intent had taken effect, as in the said answer is untruly surmised. For this complainant saith, that ever since the making of the said bargaine and agreement, he and the said G.B. have, and yet are ready to performe and do whatsoever they did then bargaine and agree to do by the same articles, as unto this honourable Court shall be truly and sufficiently proved, and this complainant also saith, that he hath just cause of complaint, and that the said defendants are bound to performe the said paiments in the said Bill of complaint mentioned, which he hopeth they shall be compelled to do, by the order of this honourable Court. And without that, that any other matter, thing, or things, clause, sentence, article, or allegation, in the said answer contained, materiall, or effectuall in the Law, to be replied unto, by this complaint, and not herein in this his replication by this complaint sufficiently replied unto, confessed, and avoided, denied, or traversed, is true. All which matters this complainant is ready to averre and prove as this honourable Court shall award, and prayeth as he in his said Bill of complaint hath prayed.

A Bill for money lent without specialty and witnesse.

To the right honourable Sir T. B. &c.

IN most humble wise complaining, sheweth unto your honourable Lordship, your daily Orator T. G. of Ashbourne, in the County of Darby, gentleman, That whereas your said Orator by way of prest, at the feast of P. in the 18. yeere of the raigne of our soveraigne Lady Elizabeth by the grace of God, of England, France, and Ireland, Q. defendresse of the faith, &c. did deliver unto E. C. of A. in the County of P. yeoman, the summe of 20. li. of currant English money, to be paid unto him your said Orator, at or before the feast of S. Bar. the Apostle then next ensuing: Now so it is, that although your said Orator hath many and sundry times required payment of the said 20. li. yet notwithstanding, he the said E. the same 20. li. to your said Orator hath not yet paid, to the great losse and hindrance of him your said Orator. And for because your said Orator hath not any specialty or witnesse to prove the delivery of the said 20. li. he is therefore thereof without remedy by order and course of the common lawes of this Realme, and is utterly like to loose the said sum, contrary to all equity, good conscience, and true dealing, unlesse your honourable L. favour and lawfull aid be herein shewed. In tender consideration whereof, may it please your honourable L. the premisses considered, &c. Sect. 83.

The answer of the said Bill.

THe said Defendant saith, That the said Bill of complaint is very untrue and insufficient in the law to be answered unto, for divers apparent matters therein contained, and that the same is devised by the said Complainant, and exhibited into this honourable Court of meere malice and evill will, to the intent to put this Defendant to great charges, and expences, without any good matter, or just cause or colour of cause so to do: And that if the said supposed matter were true, as indeed it is not, yet were the same determinable at and by the common lawes of this Realme, and not in this H. Court, whereunto this Defendant prayeth to be dismissed, with this reasonable costs and charges in this behalfe wrongfully sustained: without that, that the said Complainant by way of prest at the feast of Penticost, in the said 23 yeere of the Queenes Majesties raigne, or at any other time did deliver unto this Defendant the said summe of twentie pounds, to be paid unto him it, or before the said feast of Saint Bartholomew the Apostle, as in he said Bill is supposed. And without that, that the said Complainant nany and sundry times required payment of the said twentie pounds, s in the said Bill is likewise untruly supposed. And without that, Sect. 84.

that any other matter, thing, or things, clause, sentence, article or allegation in the said Bill contained materiall or effectuall in the law to be answered unto, and not herein in this his answer sufficiently confessed and avoided, denied, or traversed, is true. All which matters, &c.

A Bill of detaining Bonds and Bills paid, praying an Injunction to stay suit thereupon.

To the right honourable Sir C.H. Knight of the noble order of the Garter, and Lord Chancellor of England.

Sect. 85. HUmbly sheweth unto your good Lo. F.L. of S. in the dale, in the County of D. Esquire: That whereas your said suppliant did long sithence in his fathers life time at divers severall times (the certainty whereof your Lo. said Orator doth not now remember) upon some occasion that he then had to use more money then hee had then in store, did borrow and take to lone of one R.S. of S. in the said County of D. yeoman, divers summes of money, upon receit whereof, your Lo. said suppliant did alwayes deliver unto the said R.S. either sufficient Obligations of double the summe borrowed, or else his the said F.L. your Lo. said suppliants single bill obligatory for repayment of all such summes of money as he then borrowed at such times as were then agreed upon betweene them. And amongst the rest, your Lordships said Orator did about twenty yeeres since, as he now remembreth, borrow of the said R.S. the sum of xx. l. for the repaiment whereof at a certaine day therefore then agreed upon betweene them, your L. said suppliant did then deliver unto the said R.S. his bill obligatory for his sufficient assurance thereof, the which said twenty pound, like as also all the other summes of money so borrowed by your L. said suppl. as is aforesaid, the said F.L. your L. said suppliant, hath most certainly now long sithence repaid unto the said R.S. at such time as the said R. was well therewith contented, as well in full discharge of the said bill obligatory of xx. l. as of all the other bonds and writings so entred into by your Lo. said suppliant as is aforesaid: and in respect that he the said R.S. had not the said bill obligatory for the said xx. l. ready to bee cancelled and redelivered at the said repayment of the said xx. l. he the said R.S. did then very faithfully promise unto him that made the said repaiment, that he the said R.S. would assuredly cancell the said bill obligatory, whensoever the same should next come into his hands: But so it is, if it may please your good Lo. that the said R.S. hath lately put the said bill for the said xx. l. in suit, as your Lo. said suppliant is credibly informed,

informed, meaning to be double payed for the said xx. li. in the said Bill mentioned, against all equity and good conscience: In consideration whereof, and for as much as your L. said Orator hath no remedy at the common Law, either to recover the said Bill obligatory for the said summe of xx. li. from the said R. S. or otherwise to plead in discharge thereof. And forsomuch as the said R. S. hath divers other the said obligations and writings yet remaining in his hands, which are likewise satisfied, and which he hath promised to deliver unto your L. and suppliant at divers times now long sithence passed, the which to do, he hath hitherto not fulfilled, and in very good sort by your L. said Orator, and his servant oftentimes required, for like recovery or discharge whereof, your L. said suppliant standeth likewise destitute by the strict course of the common Lawes. It may therefore please your good L. to award as well the Q. Majesties most gracious writ of Injunction, to be directed unto the said R. S. and all and every of his Councellours, Attornies, Sollicitors, and Factors, commanding them and every of them thereby at a certaine day, and under a certaine paine therein to be set downe by your good L. no further to proceed in the suit upon the said xx. li. Bill, untill your L. shall have taken further direction therein: as also the Q. Majesties writ of Sub pœna to be directed to the said R. S. commanding him thereby, &c.

A Bill to examine witnesses in perpetuam rei memoriam, *touching a lease to be made in trust by the plaintife to the defendants.*

To the right honourable Sir C. H. Knight, Lord Chancellor of England.

IN most humble wise complaining, sheweth unto your honourable Lordship, your suppliant and daily Orator T. B. of B. in the County of Y. Esquire: That whereas your said Orator about six yeeres now last past, was, and yet is lawfully seised in his demesne as of fee, of, and in one messuage or tenement called B. and of divers lands and grounds thereunto belonging, or with the same commonly used or occupied, lying and being within the Lo. of M. in the County of Y. and hee being thereof so seised, upon speciall trust and confidence which hee then reposed in one W. G. of B. in the County of Y. and M. his wife, by his deed sufficient in the Law, did demise, grant, and to farme, let unto the said W. G. and M. his wife, when thee the said M. was sole and unmarried, the said messuage, tenements, and premisses, To have and to hold the same unto the said W. and M. from the end and expiration of one lease then enduring, and now ended, which the said Sect. 86.

W. G. then had in the premisses for the terme of vii. yeeres thence next following, fully to be compleat and ended: which said lease was not only meant and intended to be to the use of your said Orator, but also at the time of the making hereof it was so declared and expressed, as well by your said Orator, as by the said W. and P. in the presence of divers witnesses, and not to the use of the said W and P. as your Orator shall be able plainly to prove in this honourable Court, which notwithstanding by the sinister perswasion, confederacie, and procurement of one W. L. of E. in the County of D. yeoman, they the said W. and P do challenge and claim the said lease to be to their owne use and behoof, contrary to the foresaid trust so reposed by your said Orator in the the said W. G. and P. and contrary to the foresaid use thereupon expressed, at the time of the sealing and delivery of the foresaid lease by your said Orator unto them, as is aforesaid. And forasmuch as the foresaid lease in writing is absolute, without any use expressed or declared in the deed of the same, And also seeing such witnesses as your said Orator hath for the proofe of the foresaid use declared (at the time of the sealing and delivery of the foresaid lease) are now very aged and impotent, & not likely to live long, and do inhabit and dwell within the County of Y. and are not able to travell to the city of London, and if they should chance to die before they be examined concerning the premisses, then were your said Orator without all remedy for proofe of the foresaid use and trust so by him reposed in the said W. G. and P. his wife, (except by your good L. it be granted unto him, that he may have a commission directed unto such persons, as to your L. shall be thought meet, inhabiting in the said county of Y. for the examining of the foresaid witnesses, in perpetuam rei memoriam, for the proofe of the foresaid use and trust reposed by your said Orator in the said W. G. & P.) May it therefore please your most H. L. the premisses grattously considered, to grant to your said Orator, &c.

A Bill upon promise safely to deliver sheep to the plaintif, by one whose executor the defend. is, which testator and executor converted the said sheep to their own use, with an Answer to the said Bill, and Replication thereunto.

To the Queenes most excellent Majesty, in her Highnesse Court of Chancery.

Memor. This direction is when there is neither Lord Chancellor, nor Lord Keeper.

Sect. 87. HUmbly complaining, sheweth unto your Majesty, your faithfull subject W. P of H. in the county of L. Gentleman, That whereas about

about the month of Aprill which was in the yeere of our L. God 1590. one H. S. was lawfully possessed of 121 Ewes, and 121 Lambs, as of his owne proper goods, and he being of them so possessed, about the same time did sell the same unto your Majest. said subject, for the sum of 50. li. of lawfull English money or thereabouts to him paid by your said subject: by force of which bargaine your said subject was of the said sheep lawfully possessed, as of his own proper goods, and he being therof so possessed, it was then agreed between your said subject, and the said H. S. and one G. C. of A. in the county of Y. husbandman, that the said H. S. should deliver the same sheep to the said G. C. to be safely kept by him to the use of your said subject, to be brought and delivered to your said subject, at your said sub. his dwelling house in H. aforesaid, in the said county of Lincolne. And thereupon the said G. C. in consideration thereof, and in consideration of 40. s. to him by your said subject to be paid at the delivery of the said sheep, in forme aforesaid, did then assume upon himselfe, and to your said subject did faithfully promise, that if the said sheep were delivered unto him, according to the said agreement, that then the said G. C. would well and safely keepe the same, and bring and deliver them, or cause the same to be brought and delivered unto your said subject at his said house in H. aforesaid, within a certaine time after that he should receive the same: which time is long sithence past. And your highnesse said subject further saith, that about the first day of March next ensuing the said agreement and promise, all the said sheep were delivered unto the said G. C. at A. aforesaid, according to the said agreement. But so it is, if it may please your excellent Majestie, that the said G. C. in his life time imagining and fraudulently intending your said subject in this behalfe craftily and subtilly to defraud and deceive, did not onely deliver unto your said subject the said sheep, nor any of them, according to his said faithfull promise and assumption: but contrariwise did take and convert a great part of them to his owne proper use, selling some of them to divers persons, to your said subject unknowne for divers sums of money, converting the same to his owne use, and killing sundry other of them in his house. And shortly after made his last will and testament in writing, and thereof constituted one R. C. his brother his executor, and died possessed of the said residue of the sheep. After whose death the said R. C. proved the aforesaid Testament, and also took upon him the burthen and charge of the execution thereof, and by pretence thereof the said residue of the said fiftie and one Ewes, and fiftie and one Lambs, being about fourescore Ewes, and threescore Lambs, worth thirtie pounds and above, came to the hands and possession of the said R. C. who imagining and fraudulently intending your said subject in this be-

halfe subtilty of the said sheep to defraud and deceive, hath in like manner sold the most part of the said ewes and lambs, so comen to his hands and possession, to divers persons to your said subject unknowne, for divers summes of money betweene them agreed upon, and the money thereof arising hath converted to his onely use and behoofe: and albeit your said subject hath divers times comen unto him the said R. C. since the death of the said G. C. gently requiring him either to deliver unto him your said subject such and so many of the said sheep, so as is aforesaid, comen into his hands and possession, or the value thereof, which very value of such other sheep, as the said G. C. had in his life time so as is aforesaid converted to his owne use, yet the said R. C. notwithstanding that after the death of the said G. C. the goods and chattels, which were the said G. C. at the time of his death, sufficient both to discharge, pay, and performe, all the debts and legacies of the said G. C. and to satisfie your Majesties said subject of and for such, and so many of the said sheep as came to the hands of the said G. C. and never came to the hands, custody, or possession of him the said R. C. hath ever hitherto denied and refused, and yet doth deny and refuse to yeeld unto your said subject any satisfaction or any recompence at all, either for the said sheep, so as is aforesaid, converted to the onely use of the said G. C. in his life time, so as is said, either converted to the use of the aforesaid R. C. after the death of the said G. or by him the said R. still unjustly detained and holden from your said subject, which unjust dealing of him the said R. C. is to the grievous losse and dammages of your said subject, and altogether against all right, equity, and good conscience. In tender consideration whereof, and for as much as the said promise of the said G. C. so as is aforesaid made for the delivery of the said sheep as is aforesaid, was so made in the presence and hearing of the said R. C. and of certaine other witnesses, which be now all dead, but the said R. C. insomuch as for want of such proofe as is requisite in that behalfe, he your said subject is without all remedy either to recover the said sheep, or any recompence for the same, either by the strict course of the common lawes of this Realme, or in this honourable Court, otherwise then by the parties owne confession upon his oath in this honourable Court, which your said subject verily doth imagine and think that he will confesse it to be in such sort, as is here aforesaid. It may therefore please, &c.

The answer of R. C. to the Bill next before.

THe said defendant by protestation not acknowledging or confessing the matters in the said bill of complaint contained to be true, in such manner and forme as in the same they be set forth and alledged, saith,

saith, that the said bill of complaint is very untrue, incertaine, and insufficient in the law to be answered unto, and the matters therein surmised, are enviously devised, and unconscionably contrived, imagined, and set forth, onely of purpose to vex and molest this defendant unjustly, and to put him to great travell, expences, and charges of suit, and that without any just cause or good matter, as this defendant hopeth he shall prove unto this honourable Court. Nevertheless the advantage of exception to the insufficiencie, and uncertainty of the said bill of complaint and all other advantages to this defendant at all times hereafter saved, the said defendant for answer unto the said bill of complaint saith, that he doth not certainly know, neither is he as he thinketh, compellable to take notice, whether one H. S. in the bill named, being about the moneth of April in the yeere of our Lord God 1590. lawfully possessed of fiftie and one ewes, and fiftie and one lambs, as of his owne proper goods, did sell the same unto the said complainant, for the summe of fiftie pounds, as in the said bill is supposed, or whether the said complainant, being lawfully possessed of the said sheep, as of his owne proper goods by force of such bargaine, there were any such agreement betweene the said complainant, and the said S. and one G. C. of A. in the County of H. for the delivery of the said sheep to the said G. to be safely kept to the complainants use, and to be delivered to the complainant at his dwelling house in H. in the County of L. as in the said bill is suggested, this defend. as hee thinketh, is not bound now to take notice, being then a stranger thereunto, or whether the said G. C. upon the former part of the sufficient consideration grounded upon the premisses, or for, in, or upon the latter, being a lame, blanke, and imperfect, or rather no consideration, there naming nihil omnino to be by the said complainant paid unto the said G. C. did assume and faithfully promise unto the complainant safely to keepe and deliver the said sheep, as in the said bill is alledged, but this defendant saith, that if the assumption be grounded upon any good consideration, then the complainant might have his remedy at the common law, if he had any just cause. And therefore this defendant, as he thinketh, might very well demurre the law upon the said bill, and demand judgement, if he shall be by this honourable Court compellable to answer the complainant any further. Nevertheless forasmuch as this defendant hopeth that the said complainant shall never bee able to prove his subtill supposed suggestions in the said bill set forth, and alledged, For further answer unto the said bill, saith, that true it is, that the said G. C. in the said bill mentioned, made his last Will and Testament in writing, and thereof constituted this defendant his executor, and dyed, without that, that the said G. C. in his life time, imagining, and fraudulently

dulently intending the ſaid complainant in that behalfe craftily and ſubtilly to defraud and deceiue, did not onely, not deliuer vnto the ſaid complainant the ſaid ſheep, nor any of them, according to his ſaid faithfull promiſe and aſſumption, but contrariwiſe did take and conuert a great part of them to his owne proper vſe, ſelling ſome of them to diuers perſons to the ſaid compl. vnknowne, for diuers ſums of money, conuerting the ſame to his vſe, and killing ſundry others of them in his houſe, and died poſſeſſed of the reſidue of the ſaid ſheep, as in the ſaid Bill is vntruly and vncharitably alledged againſt the ſaid G.C. being now dead. For this defendant verily doth thinke and imagine in his conſcience, if ſuch ſheep were delibered to the ſaid G. C. to be kept and deliuered as is aforeſaid, that then the ſaid G. did in his life time well and truly deliuer the aforeſaid ſheep accordingly: without that, that after the death and departure of the foreſaid G. C. the poſſeſſion of the ſaid reſidue of the ſaid ſixſcore and one Ewes, and ſixſcore and one Lambs, being but the full number of fourеſcore Ewes, and threeſcore Lambs, worth thirtie pounds and aboue, came to the hands and poſſeſſion of the ſaid R. C. now defendant, who imagining, and fraudulently intending the ſaid complainant in that behalfe craftily and ſubtilly of the ſaid ſheep to defraud, and deceiue, hath in like manner ſold moſt part of the ſaid Ewes and Lambs ſo come to his hands and poſſeſſion, to ſundry perſons to the ſaid complainant vnknowne, for diuers ſummes of money betweene them thereafter agreed vpon, and the money thereof ariſing, hath conuerted to his onely vſe and behoofe, as in the ſaid Bill of complaint is very falſly ſurmiſed, ſet forth, and alledged. And without that, that any other matter or thing in the ſaid Bill materiall, to be anſwered vnto, and in this anſwer not ſufficiently anſwered, confeſſed, and auoided, traverſed, or denied, is true. All which matters, &c. and prayeth, &c.

The Replication of W. P. Complainant, to the Anſwer of R. C. Defendant.

Sect. 89. THe ſaid complainant for replication ſaith in all and every thing and things, as he in the ſaid Bill of complaint hath ſaid, and doth and will averre, iuſtifie, maintaine, and prooue his ſaid Bill of complaint in all and every matter, thing, and things therein contained to be good, iuſt, and true, certaine, and ſufficient in the law to be anſwered vnto by the ſaid defendant in ſuch manner and forme, as they bee in the ſame moſt truly ſet forth and declared, and not enviouſly deviſed, nor vnconſcionably contriued, imagined, and ſet forth, onely of purpoſe to vex and moleſt this defendant vniuſtly, and to put him to great trauell, expenſes, and charges of ſuit, and that without any iuſt cauſe, or good matter

as

as in the said answer it is by the said def. untruly surmised. And this compl. further saith, that the said answer of the said defend. is very incertaine, untrue, and insufficient in the law to be replyed unto by this complainant, for divers apparent faults and imperfections therein contained, and namely in this, that the said complainant, being in and by the said Bill of complaint, charged to have had in his hands and possession, divers of the said sheep, in the said Bill mentioned, doth in his said answer neither confesse nor deny the having thereof, as by the said answer it appeareth, so that in reason he ought to be compelled by the order of this honourable Court, to make a better and more certaine and perfect answer unto the said Bill of complaint. Nevertheless, this defendant saving unto himselfe, at all times hereafter, all advantage of exceptions to the manifest incertainty and insufficiencie of the said answer for further replication thereunto, also further saith, That the said consideration in the said Bill of complaint contained, is very sufficient to maintaine the said suit in this honourable Court, albeit that no other thing had beene departed with, on the part of this complainant, but onely the credit and delivery of the said sheep, unto the hands of the said G. C. and yet this complainant hopeth to prove, that there was given unto the said G. C. for and on the behalfe of the said compl. very good matter of consideration for keeping and conveying of the said sheep, as in the said Bill is alledged. And further this repliant doth, and will also averre and prove, that divers of the said sheep since the death of the said G. C. have come to the hands and possession of the said defend. which have been unlawfully converted to his own use, against all right, equity and good conscience, without that, that any other matter, thing, or things, clause, sentence, article, or allegation in the said answer contained materiall or effectuall in the law, to be replied unto by this complainant and not herein before in this his replication sufficiently replied unto, confessed and avoyded, denied or traversed, is true. All which matters this compl. is ready to averre and prove as this honourable Court shall award. And prayeth as he in his said Bill hath prayed.

A Bill for a debt upon a contract without witnesses.

IN most humble wise complaining, sheweth unto your Hon. your poore and daily Orator T. B. of C. in the County of Derby Mercer, That whereas about two yeers now past, one T. G. of B. in the County of D. gentleman, bought of your said Orator twelve yards of Linnen cloth, price 11. s. and divers other wares and merchandises amounting in the whole to the value of twentie markes, or thereabouts, for payment whereof the said T. G. earnestly required your said Orator to forbeare him the said T. G. for the space of a month or thereabout, then Sect. 90.

nert

next followeth. And for the said T. G. did then faithfully assume and promise to pay the said debt, unto your said Orator at the moneths end, your said Orator trusting to his bare promise, delivered unto the said T. G. the said cloth, wares, and merchandises, without taking any specialty or other security for payment of the aforesaid money. Now so it is, if it may please your honourable L. that the said T. G. perceiving that your said Orator can by no order of the common lawes of this Realm recover the said money, for want of specialty or witnesses to prove the said assumption and contract, being very lately by your said Orator requested to pay the said money according to his said promise, yet nevertheless that the said T. G. hath plainly affirmed and answered, that your said Orator shall not have one peny thereof, which if it should so passe without relefe of your Orator herein, would turne to the great impoverishment and dammage of your said Orator, who hath over many such debtors. In consideration whereof, the premisses tenderly considered, and for as much as your said Orator is without all remedy for the recovery of the same by the strict order of the common lawes of this Realme, for want of specialty or witnesse, as aforesaid: May it therefore please, &c.

The Answer and demurrer of the same.

THe said Defendant saith, that the said Bill of complaint is very uncertaine, untrue, and insufficient in the law to bee answered unto by this Def. for divers apparent matters and causes therein contained, devised, and exhibited into this honourable Court, as this Def. verily thinketh, by the sinister advise and perswasion of N. C. Attourney at the common law, of malice and evill will, to the intent to put this Def. to unjust trouble and veration, That he the said N. C. may thereby gaine, by soliciting of this said matter in this honourable Court, and not upon any just cause so to do. And further saith the said Def. That if the said matters mentioned in the said Bill of complaint were true, as they be not indeed, yet were the same determinable, and to be determined, at, and by the common lawes of this Realme, and not by this honourable Court, whereunto this Defend. prayeth to bee dismissed with his reasonable costs and charges wrongfully sustained hereabouts. Neverthelesse if he this Defendant be compelled by this honourable Court to make any further answer unto the said uncertaine, untrue, and insufficient Bill of complaint, Then (and not otherwayes) the advantage of exception, to the manifest incertainty and insufficiencie of the said Bill of complaint to this Defendant alwayes saved: For further answer thereunto, and for a full and plaine Declaration of the truth, touching the materiall contents of the said Bill

of

of complaint (if any ſuch be) he this defendant ſaith, That true it is indeed, that about three yeeres now laſt paſt, This ſaid defendant or ſome of his ſervants to his uſe, did receive of this complainant twelve yards of linnen cloth, halfe an ell of cloth, one quarter and an halfe of cloth, and two skaines of threed, which he thinketh to be parcell of the ſaid wares in the ſaid bill mentioned, and ſuppoſed to be bought by this defendant of the ſaid complainant, which ſaid wares were ſo received by this defendant or to his uſe, as is aforeſaid, to the intent that this defendant ſhould pay to the ſaid complainant, ſo much money for the ſame as ſhould bee reaſonably agreed upon by this defendant, and the ſaid complainant, which ſaid bargaine and agreement, this defendant is, and ever hitherto hath been ready to have performed, without that, that the ſaid defendant about two yeeres now laſt paſt, did buy of the ſaid complainant, the ſaid twelve yards of linnen cloth, at, and for the ſaid price of 22.s. or the ſaid halfe ell of cloth for the ſaid price of ix.s. viii.d. or the ſaid quarter and a halfe of other cloth, and two skaines of threed for the ſaid price of xviii.d. for hee this defendant ſaith, that hee and this complainant did never to his remembrance agree to any certaine price for the ſaid wares, as in the ſaid bill of complaint is untruly alledged. And without that, that hee this defendant did ever buy of this complainant the ſaid ten yards of velvet, or any part thereof, or any other wares or merchandiſes amounting in the whole to twenty markes, or for the payment thereof, ever required the ſaid complainant to forbeare him the ſaid defendant for the ſpace of one moneth then next following, as in the ſaid bill is wrongfully alledged. And without that, that he this defendant did faithfully aſſent and promiſe to pay the ſaid debt unto the ſaid complainant at the ſaid moneths end. Or that the ſaid complainant, truſting the bare promiſe of this defendant delivered unto him this defendant, the ſaid cloth, wares, velvet, and merchandiſe, as in the ſaid bill is untruely alledged. And without that, that he this defendant perceiving that this complainant can by no order of the common lawes of this Realme, recover any part of the ſaid money, for want of ſpecialty or witneſſe to prove the ſaid ſuppoſed aſſumption and contract, hath plainly affirmed, that he the ſaid complainant ſhall not have one peny thereof in ſuch manner and forme as in the ſaid bill of complaint is moſt untruely and ſlanderouſly alledged, without that, that any other matter, &c. thing, things, clauſe, ſentence, article, or allegation, in the ſaid bill of complaint contained, materiall or effectuall in the law to be anſwered unto by this defendant, and not, &c.

A Bill

A Bill to be discharged of sundry bonds made by the Plaintifes to divers by the Defend. meanes, upon promise that they should not prejudice them, laying open divers cunning and lewd practises, to circumvent the Plaintife.

HUmbly complaining, sheweth unto your honorable L o. your daily Orator I. M. of M. in the County of Y. yeoman, That whereas about 16. yeers now last past, certain debts, controversies, suits, and variances did rise betweene one T. L. of E. in the County of Y. yeoman, and your said Orator, and certaine other freeholders of the Lordship of Eccleshall aforesaid, concerning the inclosing, use, possession, & occupation of certaine parcels of waste or common ground called R. in E. aforesaid, wherein your said Orator & other freeholders, and all those whose estate they then had, and yet have in certaine lands in the said L o. by all the time, whereof there is no memory of man to the contrary, have used to have common of pasture for their beasts and cattell upon the said lands levant and couchant at all times of the yeer, at their wils and pleasures, as unto their tenements belonging, which parcels of waste ground one N. S. Esquire, before that time had demised unto the said T. L. for certaine yeers then enduring: for pacifying and ending of which said suits and controversies, and of such suits and controversies as were then betweene the said L. and S. touching the same and other things, your said Orator and T. M. and other of the freeholders aforesaid, and the said L. by the means and intreaty of the said N. S. about the said time did submit themselves to the order, arbitrment, & award of I. F. R. M. C. W. and E. H. touching the said controversies, and to the end that the said L. would be contented that the said suits between him & the said S. might rather by that meanes receive a quiet end, then by extremity of Law, there being then great suits betweene the said N. S. and L. which the said L. would not otherwise compromit, your said Orator & the said O. was bound unto the said L. in one obligation of C. li. and unto the said N. S. in one other oblig. of C. li. for performance of the said award, the said N. S. then promising to your said O. that within short time after the making of the said bond unto him, he would have cancelled, or made void the said bond of C. li. made by them unto the said N. S. the meaning of which bond, your said Orator (being a simple unlearned man) thought to have reached no further, but to acts to have beene done by himselfe against the said award, which he the rather so thought, because the said N. S. told him so, or to that effect, and they were onely so agreed to have the condition thereof made before the making thereof. And the said L. was also bound in C. li. unto your said Orator, and the said O. for

for the performance of this part of the said award, And afterwards, viz. about the 11. yeere of the raigne of the Qu. Majestie that now is, the said arbitrators made an award of the premisses, that the said L. should have inclosed the said grounds, during such terme as hee then had therein by the demise of the said N. S. by Indenture without vexation of your said Orator the said T. D. and other freeholders of the said L. of C. by meanes of which award the said L. enjoyed the premisses ever since the making thereof accordingly, without any vexation of the said D. or your said Orator, or any other the Freeholders of C. aforesaid, untill such time as the said L. caused the said premisses to be purchased or taken by lease, as lands concealed and unjustly withholden from her Majestie, and thereupon caused suits to be commenced against divers of the said Freeholders by information in the Ex. of intrusion supposed to be done by them into the said premisses, which suit so long continued, that a verdict and judgement therein were had for the said Freeholders, whereby their title to the said common being then in issue, was specially found, as by the records thereof remaining in the said Court it plainly appeareth, whereupon some of the said Freeholders (as this compl. thinketh) entred into the said premisses being unfenced. And thereupon the said L. commenced suit upon the said Bond of 100. li. against your said Orator and the said D. albeit they never interrupted his possession in the said premisses, and the said D. and your said Orator for their indempnitie likewise prosecuted suit upon their Bond of 100. li. because the said L. in his part had not performed the said award, by meanes whereof your said Orator, and the said D. obtained a verdict and judgement against the said L. for the said C. li. L. his said suit against them depending untried, whereupon the said L. seeing how unjustly he had dealt with the said D. and your said Orator about the premisses, perceiving in what jeopardy he stood, and how in equity he ought not to have recovered any thing against your said Orator and the said D. by his said Bond, nor have had any relefe for the said C. li. so by them recovered against him, he the said L. moved your said Orator and the said D. by sundry meanes to come to agreement with him for the said C. li. so recovered against him, whereupon the said D. and your said Orator intending a generall quietnesse for all Bonds and matters concerning the said premisses, at the great and important suit of the said L. and by the mediation of certaine honest men their friends, upon the faithful promise of the said L. that he the said L. would warrant him your said Orator against the said N. S. for his said Bond of 100. pounds, alledging that N. S. had no cause to sue the same, and that if he had, yet because the matter of the said Bond principally concerned him the said L. (as it did indeed) that if your said Orator agreed with

him

him for the premisses, that then the said N. S. neither could nor would hurt him by reason of his said bond, the said judgement for the said C. if was released unto the said L. by your said Orator having none other consideration therefore, then his said promise of quietnesse and discharge of the said N. S. his said bond. Nevertheless, not long after the said agreement, the said L. perceiving himselfe to be discharged of the said judgement, and intending the utter undoing of your said Orator, contrary to his said promise, practised with the said N. S. touching the said bond by him and the said D. made unto the said S. & procured the same to be put in suit against them in the Q. Majesties bench. Albeit the said N. S. had never any losse by reason of any act done against the said bond to the value of one peny, since which suit, the said N. S. and D. have secretly growne to agreement betweene themselves, to the intent to lay the whole penalty of the said bond upon your said Orator, Notwithstanding the said faithfull promise of the said N. S. to deliver in the said bond to be cancelled, and the said L. his promise was to save your said Orator harmeleſſe against the said N. S. for the same. Albeit the said N. S. never had any losse or hinderance by reason of the premisses, by meanes of your said Orator, neither was any thing attempted or done by the said Freeholders against the said L. contrary to the said award, otherwise then by the consent of the said N. S. who moved or procured the said Freeholders to enter in bond one to another, to beare the charges of suits for the defence of their said title of common in the said severall parcels of ground called R. and T. promising them his aide and furtherance therein, unto some of which bonds the said N. S. hath subscribed his owne name as a witnesse of the delivery thereof, which their hard dealings against your said Orator in the premisses, are much against all right, equity, and conscience, to the utter impoverishment and undoing of your said Orator, his poore wife and children, wherefore the premisses gratiously considered, and for as much as, al well the said premisses and agreements of the said N. S. with your said Orator, and the said D. and the said practise had betweene the said N. S. and the said L. to put the said bond in suit, as also the said agreement made by the said N. S. and the said D. for staying of his said suit against the said D. and also the said promise and agreement of the said L. to save your said Orator harmeleſſe against the said N. S. for the said bond was secretly made amongst themselves, and for that your said Orator trusting that they would faithfully have performed the same to your said Orator, called no witnesse to be present to heare the same promise made, and therefore is not able to produce any witnesse to testifie the premisses, nor hath any meanes to prove the same, otherwise then by the answers of the said N. S. and T. L. who he verily thinketh will in their

answers

anſwers to the premiſſes confeſſe the ſame: May it therfore pleaſe your Lordſhip, of your accuſtomed goodneſſe, to grant unto your ſaid Orator the Q. Majeſties moſt gracious writ of Sub pœna, to be directed to the ſaid N. S. and T. L. and to either of them, therby commanding them, &c.

A Bill for practiſing with the Plaintiſes wife, to receive of her the plaintifes goods, and for receit and detaining thereof.

HAmbly complaining, ſheweth unto your good Lordſhip, your daily Orator L. J. of S. in the County of N. Gentl. That whereas, about foure or five yeeres paſt, your Orator being poſſeſſed of divers goods, and divers ſummes of money, to a great value, to the end that C. C. of W. in the ſaid County of N. Y. his wife, and A. their daughter, now the wife of J. P. of H. in the ſaid County yeoman might the better bring to paſſe, indirectly to gaine and get into their, or ſome of their cuſtodies and poſſeſſion, all, or the moſt part of the ſaid money and goods, and by that meanes defraud or defeat your Orator therof, by continuall and ſiniſter practiſe, inſtigation, & perſwaſion, then allured, provoked, and inticed A. J. deceaſed, being then your Orators wife, to grow to ſome diſcord and variance with him, and to eſloine and convey into their, or ſome of their keeping, all, or the moſt part of the ſaid money or goods, promiſing that the ſame ſhould be ready, and uſed for her uſe and behooſe: Now ſo it is, if it may pleaſe your ſaid good L. that by the ſaid lewd and bad practiſes of the ſaid C. Y. and A. P. and of divers other perſons by their means, whoſe names your Orator knoweth not, your Orators ſaid wife about foure or five yeeres ſince, and at ſundry times before, did with violence break open ſome part of your Orators houſe at S. aforeſaid, his cheſts there being locked, and did eſloine, ſteale, imbeazill, or convey away from your Orator ſeverall ſummes of money, and divers parcels of his goods and houſhold ſtuffe, as well in the night ſeaſon, as in the day time, to a very great value, the certainty whereof your ſaid Orator knoweth not, but is induced by good reaſon to believe that it doth amount to the ſumme of 100. li. at the leaſt, and delivered, or cauſed the ſame to be delivered unto the cuſtody and poſſeſſion of the ſaid C. C. and Y. his wife, or A. his daughter, or of ſome other perſon or perſons, by their, or ſome of their meanes or conſents, whereof your Orator by ſome good meanes having had intelligence, hath ſundry times uſed ſpeech and communication with the ſaid C. Y. and A. P. touching the ſame, and in moſt gentle and friendly manner required to have the ſaid money and goods ſo eſloined and imbeazilled, as aforeſaid to be to him reſtored, or elſe to have ſome recompence for the ſame, but they have utterly re- Sect. 93.

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fused to do either the one or the other, and do ſtill refuſe to do the ſame, and do convert and diſpoſe the ſaid money and goods to their own uſes, whereby your Orator ſhall be utterly thereof defeated, to his great hinderance and impoveriſhment, contrary to all equity, and good conſcience, unleſſe by your L. favour he may be releeved in this moſt honourable court. Forasmuch therefore as your Orator knoweth not the names or number of the ſaid confederates, nor the ſeverall and certaine times wherein the ſaid money and goods were conveyed away from him, as aforeſaid, nor the quantity, nature, or value of them, whereby to make any lawfull demand, or to uſe any action by the ſtrict courſe of the common lawes of this Realm, againſt them the ſaid C. H. and A. P. or any other of their confederats, for theſe great injuries and wrongs, as aforeſaid, but that the truth and certainty of all theſe matters do reſt in the private and proper notice of the ſaid C. C. and M. his wife, and A. their daughter, or of ſome one of them, who no doubt upon their corporall oaths will diſcloſe and ſet downe the truth and certainty of all theſe matters: May it therefore pleaſe your honourable L. to grant unto your Orator the Q. Majeſties gracious writ of Sup pœna to be directed, &c.

The Anſwer to the ſame.

Sect. 94. THe ſaid defendants ſay, that the ſaid bill of complaint againſt them exhibited into this honourable Court, is very incertaine, untrue, and inſufficient in the law to be anſwered unto by the ſaid defendants, or any of them, for divers and ſundry apparent faults and imperfections therein contained and deviſed, and exhibited into this high Court, partly of malice and evill will, without juſt cauſe conceived againſt the ſaid C. C. one of theſe defendants, to the intent thereby to vex and moleſt him, and his ſaid wife and daughter, with unjuſt travell and expences, but chiefly to the intent and purpoſe, to weary, impoverith, and terrifie him this def. with ſuch ſuits, ſo that he ſhall neither be able nor willing to proſecute the law againſt him the ſaid complainant, for divers great ſummes of money which he oweth unto him the ſaid C. C. this defend. and unjuſtly detaineth from him, and not for any good or juſt cauſe of ſuit: nevertheleſſe, if by the order of this honourable court theſe defend. ſhall bee inforced to make any further or other anſwer to the ſaid incertaine, untrue, and inſufficient bill of complaint, then, and not otherwiſe, all advantage of exception, to the manifeſt incertainty and inſufficiencie of the ſaid bill of compl. to theſe defendants, and every of them, at all and every time and times hereafter ſaved. For further anſwer thereunto, and for a full and plaine declaration of the truth of the premiſſes, Theſe def. ſay, and every one of them ſaith, that neither they, nor any of

of them by continuall and ſiniſter practiſe, inſtigation, and perſwaſion, did not at any time allure, provoke, and intice A. F. deceaſed, then wife of the ſaid complainant, to grow to ſome diſcord with the ſaid complainant, and to eſloine and convey into their or any of their keeping, all or any of the ſaid mony and goods, in the ſaid Bill of complaint mentioned, promiſing that the ſame ſhould be ready, and uſed for her uſe and behooſe, to the end that they theſe def. or any of them, might the better bring to paſſe indirectly to gaine or get into their cuſtody and poſſeſſion, all or the moſt part of the ſaid money and goods, and by that means to defeat and defraud the ſaid complainants thereof, as in the ſaid Bill of complaint is very ſlanderouſly and moſt untruly alledged: and theſe def. further ſay, and every of them ſaith, that the ſaid late wife of the ſaid complainant did never with violence break open ſome part of the ſaid complainants ſaid houſe at S. in the ſaid Bill mentioned, nor his ſaid cheſt there being locked, nor did eſloine, imbeaſill, or convey away from the ſaid complainant, ſeverall, or any ſumme or ſummes of money, and divers, or any parcell of his goods or houſhold ſtuffe, either in the night ſeaſon or in the day time, by practiſe of theſe def. or of any of them, or of any other perſon or perſons, by their or any of their meanes as in the ſaid Bill of complaint is likewiſe very maliciouſly and untruly ſurmiſed, without that, that the ſaid wife of the ſaid complainant ever delivered, or cauſed to be delivered the ſaid money and goods in the ſaid Bill of complaint mentioned, or any part thereof, unto the cuſtody and poſſeſſion of theſe def. or of ſome of them, or of any other perſon or perſons, by their or ſome of their meanes or conſents, as in the ſaid Bill of complaint is alſo untruly alledged: and without that, that ever there was any cauſe why the ſaid complainant did, or ſhould uſe any ſuch ſpeech and communication with theſe def. or any of them touching the premiſſes, or require to have the ſaid money and goods ſuppoſed to be eſloined or imbeaſilled, to be to him reſtored, or to have ſome recompence for the ſame, or that theſe def. or any of them, do convert and diſpoſe of the ſaid money and goods, or any part thereof, to their or any of their own uſes, whereby the ſaid complainant ſhall be utterly thereof defeated, to his great hinderance and impoveriſhment contrary to all right, equity, and good conſcience, as in the ſaid Bill of complaint is likewiſe untruly ſuggeſted: and without that, that any other matter, thing or things, clauſe, ſentence, article, or allegation, in the ſaid Bill of complaint contained, materiall or effectuall in the law to be anſwered unto, by theſe def. or any of them, and not here in this their anſwers ſufficiently anſwered unto, confeſſed, and avoided, denied or traverſed, is true, All which matters, &c.

The Replication to the Answer next before.

Sect. 95. THe ſaid complainant for and by way of Replication ſaith, that his ſaid Bill of complaint, exhibited againſt theſe defendants into this moſt honorable Court, is very certaine, true, and ſufficient in the law to be anſwered unto, and not deviſed and exhibited into this moſt hon. Court, of malice and evill will, without cauſe conceived againſt the ſaid C. C. one of the ſaid def. to the intent thereby to vex and moleſt him, his ſaid wife and daughter with unjuſt travell and expences, as in the ſaid anſwers is untruly alledged. Nor chiefely to the intent and purpoſe ſo to weary and impoveriſh and terrifie the ſaid C. C. with ſuch ſuits, that hee ſhould neither be able nor willing to proſecute the law againſt the ſaid complainant, for divers great ſummes of money, which he doth owe unto him the ſaid C. C. and unjuſtly detaineth from him, but it is exhibited upon juſt cauſe of ſuit, as the ſaid complainant doubteth not to make manifeſt, and prove unto this hon. Court, with that, that the ſaid def. or ſome one of them, by ſiniſter practiſe, inſtigation, and perſwaſion, did allure, provoke, and intice the ſaid compl. wife to grow to ſome diſcord with the ſaid compl. and to eſloine and convey into their, or ſome, or one of their keepings, the ſaid mony and goods, in the ſaid Bill of complaint mentioned, promiſing that the ſame ſhould be ready, and uſed for her uſe and behooſe, to the end that they might the better bring to paſſe, indirectly to gaine or get into their, or ſome, or one of their cuſtody and poſſeſſion the ſaid mony and goods, and by that meanes to defeat and defraud the ſaid compl. thereof, as in the ſaid Bill of complaint is very truly alledged. And alſo with that, that the ſaid compl. wife did with violence break open ſome part of the ſaid compl. houſe at S. in the ſaid Bill mentioned, and his ſaid cheſt there being locked, did eſloine, ſteale, imbeaſill, and convey away from the ſaid compl. ſeverall ſums of money, and divers parcels of his goods and houſhold ſtuffe in the night ſeaſon, and in the day time, by the practiſe of the ſaid def. or ſome, or one of them, or of ſome other perſon or perſons, by their, or ſome, or one of their meanes, as in the ſame Bill of complaint is likewiſe very truly declared: and with that, that the ſaid compl. wife did deliver or cauſe to be delivered the ſaid mony and goods in the ſaid Bill of complaint mentioned, unto the cuſtody and poſſeſſion of the ſaid def. or of ſome, or one of them, or of ſome other perſon or perſons, by their, or ſome, or one of their meanes or conſent, as likewiſe in the ſaid Bill of complaint is moſt truly alledged: and without that, that there was cauſe why the ſaid compl. ſhould uſe ſpeech and communication with the ſaid def. or ſome or one of them touching the premiſſes, and require to have the ſaid money and goods eſloined and imbeaſilled, to be to him reſtored, or to have ſome recompence for the ſame, and that the

ſaid

ſaid defendants, or ſome, or one of them do convert and diſpoſe the ſaid money and goods, to their, or ſome, or one of their uſes, whereby the ſaid compl. ſhall be utterly defeated thereof, to his great hinderance, as in the ſaid Bill of complaint is likewiſe moſt truly alledged: without that, that any other matter, cauſe, or thing, materiall or effectuall in the ſaid anſwers contained, to bee by the ſaid complainant replyed unto, and herein not ſufficiently replyed unto, confeſſed, and avoided, &c.

A Bill for that the Defendants have got the Plaintifes Bill for payment of money by them into their hands, and thereby meane to defraud him of the ſame.

HUmbly complaining, ſheweth unto your good L. your daily Orator N.M. of L. in the County of D. yeoman, That whereas about two yeeres nowe laſt paſt, your ſaid Orator did ſell unto one I.H. G.W.P.T. alias S. and R.H. foure oxen and three kine, for foureteen pounds of lawfull Engliſh money: and at the ſame time made unto your ſaid Orator a Bill of their hands for the payment thereof, at the feaſt of S. Michael the Archangell laſt paſt. But now ſo it is, if it may pleaſe your Lordſhip, that the ſaid Bill of 14.li. is by caſuall means come unto the hands & poſſeſſion of the ſaid I.H.G.W.P.T. alias S. and R.H. or ſome of them, who have cancelled and defaced the ſame Bill. And therefore, albeit they have beene divers times gently required by your ſaid Orator to pay unto him the ſaid 14.li. ſo to him due, yet that to do, they and every of them have hitherto denied and refuſed, and yet do deny and refuſe to do the ſame, againſt all right, equity, & good conſcience In due conſideration whereof, & for that your ſaid Orator hath no remedy to recover the ſaid 14.li. without the ſaid Bill, by the common lawes of this Realme: May it therefore pleaſe your good Lordſhip, &c. Sect. 96.

A Bill for wrongfull entring into Copihold lands intailed, detaining of them, and of the writings of the ſame, for waſting the ſame, and contriving ſecret eſtates thereof.

IN moſt humble wiſe ſheweth unto your good Lo. your daily Orator A.G. of D. in the County of D. That whereas one T.G. Father unto your ſaid Orator, was in his life time lawfully ſeiſed in his demeſne as of fee taile, to him, and to his heires males of his body lawfully begotten, of, & in one meſſuage or tenement with the appurtenances, ſituate, lying, and being in W. in the ſaid County of D. And was likewiſe ſeiſed to him and the heires males of his body lawfully begotten, of, and in foure cottages, three cloſes or paſtures, and eight acres of Sect. 97.

arrable land with their appurtenances, lying and being in W. aforesaid, being customary lands, and holden of the M. Majesty, as of her Highnesse manor of W. aforesaid, at the will of the Lord, according to the custome of the said manor: and the said T. G. being of all and singular the premisses, with their and every of their appurtenances so seised, as aforesaid, of such estate died thereof seised. By, and after whose death all and singular the premisses, with their appurtenances, did descend unto H. G. his son, and next heire male of the body of the said T. by force and vertue wherof, the said H. entred into all and singular the said premisses with their appurt. and was thereof lawfully seised to him and the heires males of his body lawfully begotten. And he so being thereof seised, of such an estate died seised: by and after whose death, all and singular the said premisses, with their appurtenances, did discend and come to T. G. as sonne, and next heire male of the body of the said H. by force whereof, he the said T. entred into all and singular the said premisses, and was thereof lawfully seised in his demesne as of fee taile, to him and the heires males of his body lawfully begotten. And he the said T. so being thereof seised, of such an estate died seised, without any issue male of his body: by and after death, all and singular the said premisses, with their appurtenances, did discend and come to your said Orator, as brother, and next heire of the said T. G. But now so it is, if it may please your good L. that aswell the said deed of intaile, and all other the deeds, evidences, escripts, writings, and muniments, manifesting, forfetting, defending, and proving the estate, right, interest, and title of your said Orator, of, in, and to the said premisses, are by some casuall, or sinister meanes comen into the hands, custody, or possession, of one R. W. and E. his wife, T. C. and A. his wife, J. D. and J. W. or some of them, who bycolour hereof have entred into the said premisses, and received, perceived, and taken, the issues, profits, and commodity thereof, and converted the same to their own proper uses and behoofs, without yeelding any consideration or recompence to your said Orator for the same. And yet not so contented, but they the said R. E. T. A. J. & J. by colour of having the said deeds, evidences, escripts, writings, and conveyances, have not only made great ferry, and waste of the premisses, but also contrived and made to themselves, and to other persons unknowne to your said Orator, divers and sundry secret estates and muniments of the premisses, to the plaine disinheritson of your said O. contrary to all right, equity, and good conscience. And although your said O. hath divers and sundry times by himself and his friends requested the said R. W. and E. his wife, T. C. and A. his wife, J. D. and J. W. & every of them to yeeld up the quiet possession of the premisses, and to deliver unto your said Orator the said deeds, evidences, escripts, writings, and muniments,

yet

yet they and every of them ſo to do, have utterly refuſed and denied and ſtill do deny and refuſe, contrary to all right, equity, and good conſcience. In tender conſideration whereof, and forasmuch as your ſaid Orator knoweth not the contents nor certaine dates of the ſaid Deeds, Evidences, Eſcripts, Writtings, and Muniments, nor whether they bee contained in bagge or box ſealed, in cheſt or cupboord locked. And therefore is at, and by the ſtrict courſe of the Common Law of this Realme remedileſſe for the recovery of the ſame: May it therefore, &c.

A Bill for detaining of an Indenture of Leaſe for yeeres.

HUmbly complaining, ſheweth unto your hon. L. your daily Orator J. B. of M. in the parith of A. in the county of Y. Eſq. & M. B. ſon and heire apparant of the ſaid J. That whereas your ſaid Orator the ſecond day of July, in the 8. yeere of the raigne of our Sov. Lady the Q. Majeſty that now is, did demiſe and to farme let unto one R. M. of B. in the ſaid County yeoman, all his moity, or one halfe of his meſſuage or tenement called D. with all the lands, meadows, cloſes, paſtures, and commons unto the ſame belonging, or in any wiſe appertaining, from the feaſt of S. M. the Biſhop laſt paſt, before the date above ſaid, unto the full end and terme of xviii. yeeres then next enſuing, fully to be compleat and ended. By vertue of which demiſe aforeſaid, R. M. into the meſſuage or tenement aforeſaid, did enter, as was lawfull for him to do. And now ſithence the making of the leaſe aforeſaid, the ſaid R. M. did often repaire and come to the houſe of the ſaid J. B. & by that means in ſhort time became very familiar with the ſaid J. inſomuch that he the ſaid J. being aged, and by reaſon thereof alſo lyeth bed-riden, and hath done for the ſpace of many yeeres. And finding the ſaid M. to be very diligent and carefull about him the ſaid J. for the recovery of his health did ſo affect the ſaid M. as that he did wholly commit the cuſtody and keeping of all his evidences, leaſes, bonds, and bils, amongſt which the counterpaine of the ſaid M. his leaſe was. And unleſſe the ſaid M. together with ſome of your Orators ſervants have ſecretly conveyed and taken it away, as your ſaid Orator doth vehemently ſuſpect, in that he wanteth the ſame leaſe: by reaſon whereof hee neither knoweth what conditions are contained in the ſame, neither what penalty, if the rent be behind, or whether there be any diſtreſſe for not payment of the rent or elſe whether the leaſe bee utterly void, if the rent be not payed at a certaine day, and what other covenants it containeth for prohibiting of waſte to be done, as alſo for repairing of the meſſuage or tenement aforeſaid with needfull reparations, with divers other covenants to many good purpoſes ſpecified in the ſame leaſe. And for that alſo that Sect. 98.

the ſaid counterpaine is by ſome ſuch indirect meanes as before is alledged, come to the hands of the ſaid P. as alſo for that your Orator through want thereof by the ſtrict courſe of the common lawes of this land cannot duly puniſh the breach of all, or any the covenants therein expreſſed, which on the ſaid P. his part ought to have been performed and kept, for want of the ſaid counterpain: May it therefore pleaſe your good Lordſhip, &c.

A Bill for money for boording with one, whoſe executor the Plaintife is.

Sect. 99. HUmbly complaining, ſheweth unto your H. Lordſhip, your daily Orator D. C. of B. in the County of D. yeoman, executor of the laſt will and Teſtament of D. C. his father. That whereas about the firſt day of June, which was in the 18. yeere of the raigne of our moſt gratious ſoveraigne Lady the Q. moſt excellent Majeſty that now is, one W. S. of P. in the ſaid County yeoman, at B. aforeſaid, did put himſelfe and A. then his wife to boord with the ſaid D C. the teſtator, and there to remaine ſo long with the ſaid teſtator, as it ſhould pleaſe both the ſaid parties, and the ſaid W. S. in conſideration thereof, there faithfully agreed to pay and ſatiſfie for the ſame unto the ſaid D. C. the teſtator or his executors, during ſuch time as he and his ſaid wife ſhould remaine at boord with the ſaid teſtator, ſo much lawfull Engliſh mony as the ſaid boording ſhould be reaſonably worth, and at ſuch time as he ſhould be thereunto required. By vertue of which putting to boord, agreement, and faithfull promiſe, the ſaid W. and A. his wife were at boord with the ſaid teſtator by the ſpace of three whole yeeres, or thereabouts, during all which time the ſaid teſtator at his owne coſts and charges did finde unto the ſaid W. and A. convenient and neceſſary meat, drink, and lodging, and at ſundry times hay and graſſe for the horſes of the ſaid W. which boording, hay, and graſſe, by the ſaid ſpace of three yeeres aforeſaid, was reaſonably worth 40 l. at leaſt. Yet the ſaid W. not ignorant of the premiſſes, nor regarding his ſaid faithfull agreement and promiſe, but imagining and fraudulently intending the ſaid D. C. the teſtator, and your ſaid Orator his executor in this behalfe craftily and deceitfully to deceive and defraud: albeit he hath bin oftentimes thereunto gently required by the ſaid teſtator in his life time, and by your ſaid Orator his executor after his death, hath not paid or ſatiſfied any thing unto the ſaid teſtator in his life time, nor unto your ſaid Orator after his deceaſe for the ſame boording, meat, drink, and lodging during the aforeſaid time, that he and his ſaid wife ſo remained at boord with the ſaid teſtator according to his ſaid faithfull promiſe and agreement, but hath ever hitherto denied and refuſed therefore to ſatiſfie and pay the ſaid teſtator in his life time, and your ſaid Orator after his death, and yet doth deny and

refuſe

refuse to pay and satisfie your said Orator for the same, against all right, equity, and good conscience, and to the hinderance of the execution of the said last Will and Testament of the said testator. In consideration whereof, and forasmuch as your said Orator hath none ordinary remedy to recover any thing for the said boording, and premisses by the strict course of the common lawes of this our Realme of England, aswell for that it was not certainely agreed upon betweene the said W. and the said testator, how much the said W. should yeeld for the same: as also for that the said testator did so much credit the said W. that the said promise and agreement was privately made between themselves, no person being thereunto called that might witnesse the same, so that if happely the said W. will not upon his oath in his answer hereunto in this honourable Court, confesse the said promise and agreement, as your said Orator verily thinketh he will, your said Orator is utterly destitute of witnesses to make proofe thereof. Albeit that it be most true, that the said agreement and promise, was made and agreed upon, as is aforesaid, which your said Orator hath sundry times heard the said testator say and declare: may it please your good Lordship to grant unto your said Orator, &c.

A Bill for not entring into bond to save a surety harmelesse according to promise.

IN most humble wise complaining, sheweth unto your Honour your daily Orator R. P. of W. in the County of S. yeoman, that where as one F. L. of S. in the said County of S. yeoman, did borrow of one A. B. of S. in the said County of S. gentleman, the sum of 17. li. 12. s. of good and lawfull money of England, to and for the onely use of him the said F. L. and of one R. L. of B. in the said County of S. yeoman, bindman to the aforesaid F. L. and for the true discharging and paiment of the foresaid sum of 17. li. 12. s. because the said R. L. was a man esteemed to be of very small credit, and altogether unknowne unto the said A. B. therefore the foresaid R. L. earnestly requested and desired of your said Orator, being his neere neighbour, and of very long acquaintance and familiarity with him, to enter into bond with him the said F. L. to the said A. B. for the true payment, and satisfaction of the foresaid sum of 17. li. 12. s. and if in case your said Orator would enter into bond for him, then he the said R. L. did faithfully promise and affirme unto your said Orator to enter into a counterbond of double value to his bond unto your said Orator to discharge, and save him harmelesse against the said A. B. his executors and administrators, of and from all manner of actions, suits, arrests, quarrels, troubles, molestations, Sect. 100.

ſtations, and incumbrances whatſoever, which ſhould or might ariſe by reaſon or meanes of the ſaid obligation: whereupon your foreſaid Orator (conſidering the great want and need that the foreſaid R. L. did at that time ſtand in) truſting to his faire ſpeeches and promiſes, after long intreaty and requeſt to him made, your ſaid Orator did conſent and agree to become bounden with the ſaid F. L. to the foreſaid A. B. for the payment of the ſaid ſumme of 17. li. 12. s. ſo that your ſaid Orator might have ſuch a counterbond from the ſaid R. L. to diſcharge and ſave him harmeleſſe againſt the ſaid A. B. for, and concerning the ſaid bond, after which time, that is to ſay, the 25. day of March, in the nine and twentieth yeere of the raigne of our Soveraigne Lady the Queenes Majeſtie that now is, the ſaid F. L. and your ſaid Orator by their writting obligatory, became bound to the ſaid A. B. in the ſumme of 40. li. of good and lawfull money of England, upon this condition indorced upon the ſaid writting obligatorie, viz. that if the ſaid F. L. and the ſaid R. P. your ſaid Orator, or either of them their heires, executors, adminiſtrators, of them, or any of them, did well and truly content and pay unto the ſaid A. B. his executors and adminiſtrators, the ſaid ſumme of 17. li. 12. s. of good and lawfull money of England, at or upon the 25. day of March, in the yeere of our Lord God 1588. in the Church porch of S. between the houres of one and three of the clocke in the afternoone of the ſame day, that then the ſaid writting obligatorie to be void and of none effect, or elſe to ſtand in full force and vertue: but ſo it is right Honourable, that the ſaid ſum of 17. li. 12. s. was not paid unto the ſaid A. B at the time and place mentioned in the ſaid condition, whereby the ſaid bond of 40. li. wherein the ſaid F. L. and your ſaid Orator were bounden to the ſaid A. B. was and yet continueth forfeited, the ſaid A. B. being not paid nor agreed withall, by reaſon whereof, your Honors ſaid Orator is like to grow to great trouble and ſuit of law for the ſaid bond: and albeit your Honours ſaid Orator hath divers and ſundry times ſithence the making of the ſaid bond, promiſe, and aſſumption, moſt earneſtly requeſted the ſaid R. L. to make unto your Honours ſaid Orator a counterbond, for the diſcharging and ſaving harmeleſſe of your ſaid Orator againſt the ſaid A. B. for, and concerning the ſaid bond, according to his ſaid aſſumption and promiſe, yet that ſo to do, the ſaid R. L. hath denied and refuſed ever hitherto, and yet doth deny and refuſe to do the ſame, contrary to all right, equity, and good conſcience: In tender conſideration whereof, and foraſmuch as your ſaid Orator hath no ſufficient witneſſe and words of aſſumption to maintaine an action upon his caſe at the Common Law, meaning nothing but plainely, whereby he is void of all remedy at the Common Law: may it therefore

foꝛe pleaſe your honour, the pꝛemiſſes conſidered, to grant unto your ſaid Oꝛatoꝛ the Q. Majeſties moſt gratious wꝛit of Sub pœna, to bee directed to the ſaid R. L. ꝛc.

A Bill for making falſe Affidavit for appearance.

IN moſt humble wiſe ſheweth unto your good L. your L. Oꝛatoꝛ H. F. of L. gentleman: That whereas upon ſuit heretofoꝛe, and yet depending in this honourable Court, between your Lozdſhips ſaid Oꝛatoꝛ then plaintiffe, and one R. A. defendant in the ſaid ſuit, her Majeſties wꝛit of Sub pœna was out of this ſaid Court unto the ſaid R. A. directed, commanding him thereby at a certaine day therein limited, to appeare beſoꝛe your L. in the ſaid Court, and to anſwer to your L. ſaid Oꝛatoꝛ, in, and touching the ſaid ſuit: Now ſo it is, if it may pleaſe your L. that the ſaid R. A. not having any regard of her Majeſtis ſaid pꝛoceſs of Sub pœna, ſo to him directed, but ſeeking deceitfully and fraudulently to neglect and diſobey the ſame, pꝛocured one E. B. his ſeruant, a very lewd perſon, and fit miniſter foꝛ ſuch a purpoſe, to come unto this hon. Court of Chancery, and there moſt coꝛruptly, falſely, and perjuriouſly, to ſweare and depoſe upon the holy Euangeliſt, that the ſaid R. A. at that time was lame, and not able to trauell to this Court, without great danger of his health, foꝛ that the paine of his lameneſſe was ſuch, that he was perſwaded by his friends to go to the Bath, being thirtie miles diſtant from his houſe, oꝛ thereabouts, and that he was gone to the ſaid place with much adoe, and there remained at the taking of his ſaid oath, wherein the ſaid E. B. by the meanes, ſubozination, and pꝛocurement of the ſaid R. A. hath moſt wickedly committed moſt wilfull and coꝛrupt periury, foꝛaſmuch as the ſaid R. A. was at that time in very good and perfect health, ability, and ſoundneſſe of body, without any manner of lameneſſe oꝛ debility, ſo as he might haue very well trauelled without hurt oꝛ danger of his health, and was at that time at C. in the County of L. and not at Bath, as the ſaid E. B. in his ſaid Depoſition moſt untruly depoſed: May it theꝛefoꝛe pleaſe your L. ꝛc. Sect. 101.

A Bill to be relieued of an Obligation, with condition, for that the money was payd accordingly.

IN moſt humble wiſe complaining, ſheweth unto your good Lozdſhip, your daily Oꝛatoꝛ N. R. of F. in the County of D. husbandman, and I. B. of A. in the ſame County husbandman. That whereas one N. B. of F. in the County of S. gentleman, having neede to uſe and boꝛꝛow money foꝛ his neceſſary uſe, entreated your ſaid Oꝛatoꝛ Sect. 102.

Orator to borrow of M. E. of A. in the said County of D. widow, the summe of xx. li. which your said Orator did according to the request of the said M. And for the repayment thereof to the said M. your said Orator become bound to her the said M. by obligation, in the summe of xl. pounds, with condition for the payment of the said twenty pounds at a day now past, which twenty pounds he the said M. hath well and truly contented, satisfied, and paid to the said M. according to the condition aforesaid: which notwithstanding, so it is, if it may please your good L. yet doth the said M. against all good dealing detaine the said obligation in her hands, notwithstanding sundry requests made unto her by your said Orator, for the delivery thereof, against all right, equity, and good conscience, minding as it should seeme to put the same in suit, either against your Orator or his executors when opportunity serveth. In consideration whereof, and forasmuch as your said Orator hath not ordinary remedy by the course of the common law, to compell the said M. to deliver the said bond, or to cancell the same according as in right she ought to do: May it please your good L. to grant, &c.

A Bill for that the Plaintife hath not according to promise, procured an acquittance for rents by him payed to the Defendants by the appoinment of his Lessor.

Sect. 103. HUmbly complaining, sheweth unto your honourable Lordship, your daily Orator, J. M. of M. in the County of York yeoman, That whereas about the first yeere of the raigne of the late King Edward the sixth, one J. M. late father of your said Orator was lawfully seised in his demesne, as of fee, of and in certaine lands and tenements with the appurtenances in S. and within the parish of S. in the said County, and being thereof so seised, died thereof so seised. By and after whose death, the said tenements and premisses with the appurtenances, descended and came, as of right they ought to descend, and come to your said Orator as sonne and next heire of him the said J. M. after whose death your said Orator entred into the said tenements and premisses with the appurtenances, and was thereof seised in his demesne, as of fee, and being thereof so seised, one messuage or tenement, one garden, one orchard, one close or croft, thereunto adjoyning, divers lands, medowes, and pastures, parcell of the premisses, were assigned to A. M. late wife of the said J. M. deceased for her dower of the said lands of her said husband, by force whereof shee was thereof seised in her demesne, as of freehold, and shee being thereof so seised, afterwards, that is to say, about the vi. day of June, in the fourth and fifth yeere of the raigne of K. Philip and Q. Mary, by Indenture dated the day and

yeere

yeere aboue ſaid, granted and to farme did let vnto your ſaid Orator the ſaid lands, tenements, and premiſſes, to hold from the date of the ſaid Indenture, vnto the end and terme of threeſcore yeeres, if hee ſhould ſo long liue, reſerving thereupon to her yeerely, during the ſaid terme of foꝛtie yeeres, if ſhee ſo long liued. iiii. li. of lawfull Engliſh money, which yeerely rent of iii. li. your ſaid Orator did well and faithfully pay vnto the ſaid A. and her aſſignes vntill about the tenth yeere of the raigne of our ſoueraigne Lady the Queenes Majeſty that now is, at which time the ſaid A. did grant and aſſigne xxx. s. yeerely, parcell of the ſaid yeerely rent of iii. li. during her life, to one R. P. of C. in the County of D. Cutler. And afterwards, that is to ſay, about the twentieth yeere of her Majeſties ſaid raigne, the ſaid A. foꝛ ſundry conſiderations did appoint the ſaid R. to receiue the other xxx. s. yeerly reſidue of the ſaid yeerely rent of iii. li. to his owne vſe. And your ſaid Orator euer ſince the ſaid grant and appointment hath yeerely paied vnto the ſaid R. as well the ſaid xxx. s. rent, ſo to him granted by the ſaid A. as the ſaid other xxx. s. rent, reſidue, of the ſaid iii. li. rent. In conſideration whereof the ſaid R. P. about the firſt day of June laſt paſt faithfully promiſed your ſaid Orator to procure and deliuer vnto him ſufficient acquittances of the ſaid A. foꝛ all the ſaid rents which the ſaid R. had ſo, as is afoꝛeſaid, receiued of your ſaid Orator by the appointment of the ſaid A. And whereas further (if it may pleaſe your good Loꝛdſhip) about the eighteenth day of Apꝛill, in the ſeuen and twentieth yeere of the raigne of the Queenes Majeſty that now is, the ſaid R. P. being indebted to one W. S. of S. in the ſaid County Smith, in the ſumme of liii. s. iiii. d. of Engliſh money, did intreat your ſaid Orator to bee ſurety foꝛ him to the ſaid W. S. foꝛ the payment of the ſaid ſum of liii. s. iiii. d. to the ſaid W. S. at the feaſt of S. Bartholomew the Apoſtle then next enſuing, which your ſaid Orator did accoꝛdingly, in conſideration thereof, the ſaid R. P. did then aſſume vpon himſelfe, and vnto your ſaid Orator faithfully promiſe, that if he the ſaid R. P. did not well and truly pay vnto the ſaid W. S. the ſaid liii. s. iiii. d. at the ſaid feaſt of S. Bartholomew; That then he the ſaid R. P. would ſufficiently conuey and aſſure to your ſaid Orator, the ſaid yeerely rent of xxx. s. to him as afoꝛeſaid, granted by the ſaid A. together with the ſaid deed thereof, and afterwards the ſaid R. P. did neither pay to the ſaid W. S. the ſaid ſumme of liii. s. iiii. d. noꝛ any part thereof, at the ſaid feaſt of S. Bartholomew, noꝛ at any time ſince, noꝛ did conuey the ſaid yeerely rent of xxx. s. oꝛ deed thereof to your ſaid Orator accoꝛding to his ſaid promiſe. But altogether contrary to his owne promiſe hath procured the ſaid A. to ſue your Orator beſoꝛe the Queenes Majeſty, and her honourable Coun-

cell,

cell, eſtabliſhed in the Northy parts, for xiv.li.x.s. as arrerages of the ſaid yeerely rent of iii.li. ſuppoſing the ſame to bee behind and unpaid by the ſpace of eight yeeres and a halfe, now laſt paſt, notwithſtanding that your ſaid Orator hath well and truly paid the ſame to the ſaid R. M. aforeſaid. And the ſaid R. M. although he hath beene oftentimes gently required by your ſaid Orator aſwell to procure him the ſaid acquittance of the ſaid A. for the ſaid rent of iii.li. as to make aſſurance of the ſaid yeerely rent of xx. s. to him by the ſaid A. granted, yet that to do, he hath ever hitherto denied and refuſed, and yet doth deny to do the ſame againſt all right, equity, and good conſcience, and to the great hinderance and loſſe of your ſaid Orator. In tender conſideration whereof, and forasmuch as the ſaid agreements, promiſes, and payments of the ſaid rent were privately made betweene your ſaid Orator, and the ſaid R. M. without any witneſſes thereof, for that your ſaid Orator repoſed ſo great truſt in the ſaid R. M. being his naturall brother, that he called no man to beare witneſſe thereof, ſo that he can have none ordinary meanes by the due courſe of the common lawes of this Realm, but is altogether remedileſſe to obtaine or recover any recompence or dammages thereof, unleſſe, the ſame R. M. will confeſſe the ſame to be true in his anſwer hereunto, as your ſaid Orator verily thinketh that he will. It may therefore, &c.

A Bill for that the defendant, for whom the plaintife was ſurety to pay certaine money, did neither pay the ſaid money, nor ſave the plaintife harmleſſe.

Sect. 50. HUmbly complaining, ſheweth unto your honourable Lordſhip, your daily Orator H. H. of E. in the County of D. yeoman. That whereas about the viii. day of October, in the xxii. yeere of the raigne of our Soveraigne Lady the Queenes moſt excellent Majeſtie that now is, your ſaid Orator, at the earneſt requeſt of one H. C. of C. in the ſaid County yeoman, and R. C. his ſonne, for and with the ſaid H. did enter and become bounden unto H. S. of E. aforeſaid yeoman, in one obligation or bond of xl. li. of lawfull Engliſh money thereupon indorced, with condition, that if the ſaid H. H. and H. C. or either of them, their executors, adminiſtrators, or aſſignes, or any of them, did well and truely pay or cauſe to be payed unto the ſaid H. S. his executors or aſſignes, the ſum of twenty pounds of lawfull Engliſh money, upon the ninth day of October, which then ſhould bee in the yeere of our Lord God 1581. at the now dwelling houſe of the ſaid H. S. in E. aforeſaid, that then the ſaid obligation ſhould bee voyd and of none

effect,

effect, and the ſaid H. C. and R. C. in conſideration therof, did then and there aſſume upon themſelves, and unto your ſaid Orator faithfully promiſe, that the ſaid H. C. the ſumme of 20. pounds unto the ſaid H. S. upon the ſaid ninth day of October, in the yeere of our Lord God 1581. would well and truly pay, or cauſe to be payed, according to the ſaid condition of the ſaid obligation. And that the ſaid H. C. and R. C. would from time to time, and at al times hereafter, ſave and keep harmleſſe and indempnified your ſaid Orator againſt the ſaid H. S. of, for and concerning the ſaid bond of 40. li. and of, for, and concerning all actions, ſuits, and troubles, to be had or commenced againſt your ſaid Orator, for, or by reaſon of the ſaid bond of 21. li. And alſo that they the ſaid H. C. and R. C. would forthwith have beene bound unto your ſaid Orator, by their ſufficient oblig. in the ſum of foureſcore li. for the ſo ſaving harmeleſſe of your ſaid Orator againſt the ſaid H. S. as is aforeſaid. But now ſo it is, if it may pleaſe your honourable L. that the ſaid H. C. intending your ſaid Orator in this behalfe ſubtilly to defraud and deceive, hath neither paid unto the ſaid H. S. the ſaid 21. li. the ſaid ninth day of October, in the ſaid yeere of our Lord God 1581. according to the effect and meaning of the ſaid condition, nor at any time ſithence, nor the ſaid H. C. and R. C. have become bounden unto your ſaid Orator in the ſaid obligation of foureſcore li. to ſave your ſaid Orator harmeleſſe againſt the ſaid H. S. as is aforeſaid, albeit that your ſaid Orator hath ſundry times gently required them, and either of them ſo to do, the ſame to do have ever hitherto refuſed, and yet do refuſe and deny to do the ſame, againſt all right, equity, and good conſcience, contrary to their faithfull promiſe and aſſumption aforeſaid, ſo that your ſaid Orator is likely very ſhortly to be inforced to pay unto the ſaid H. S. the ſame 21. li. which would be to the great dammages and hinderance of your ſaid Orator, if ſpeedy remedy be not in this behalfe by your good L. in due time provided to prevent the ſame: wherefore, and foraſmuch as your ſaid Orator giving faith and credit to the ſaid promiſe and aſſumption of the ſaid H. C. did take their ſaid promiſe and aſſumption of them, without calling any witneſſe to them to heare the ſame, ſo that your ſaid Orator for want of ſuch witneſſes hath no remedy by the common lawes of this Realme, nor otherwiſe to make them performe the ſaid promiſe and aſſumption, unleſſe the ſaid H. C. and R. C. do confeſſe the ſame in their anſwer to this H. Court, as your ſaid Orator verily thinketh they will: May it, &c.

A Bill for intituling himself to the soyle of a common, and for selling of wood therein growing.

Sect. 50.

IN most humble wise complaining, sheweth and complaineth to your honor your daily Orator R. G. clerke, Prebendary of the Prebend, commonly called the Prebend of the Overhall in Norwell, in the Collegiate Church of Southwell in the County of Nott. That whereas your said Orator was, and is seised in his demesne as of fee, in the right of the said Prebend, of, and in one manor in Norwell, in the said County, whereof certaine woodys ground and spryngs, being most commonly open, and the herbage thereof taken and used as common, by the tenants and other inhabitants of the same manor and towne of N. aforesaid in parcell. And the tenants and inhabitants of the same manor and towne of N. aforesaid, as tenants of the same manor. And other tenants and inhabitants within the townes and villages of C. and R. that is to say, by them as commoners, because of vicinage, by reason of which said woody and spryng of grounds, used as common, as is aforesaid, part whereof is parcell of the same manor of N. containing by estimation twentie acres, extending in length from a certaine oake tree, being a boundary oake betwixt the same and such other like grounds, being parcell of another Prebend in the Collegiate Church of S. aforesaid, commonly called the Prebend of the Netherhall, or Palacehall in N. aforesaid, and from thence extendeth along, by a place where three trees lately there did grow commonly called the three brethren, and so from thence along by the Meare, which is as it hath bin, an ancient dry ditch cast up, as it were, or had bin a Meare Southward betwixt the severall Lords & owners of the lands in that place, that is to say, first Eastwards, between the Lords and owners of the same lands, and the manors and lands of Caunton and Bestthorp, and Westward unto the manor of Kickfall, and from thence downeward West unto the Park pale of K. and by the same Park pale Northward by a certaine little river of water, unto certaine of the like lands and tenements of the said other manor of P. aforesaid, and so Eastward upward unto the aforesaid ancient oake, which said parcell of ground, one R. W. and F. P. gentlemen, and one R. T. yeoman, pretending to have severall manors in C. aforesaid, and having divers Deeds, Charters, Evidences, Boundaries, Terrers, and Muniments, concerning the premisses of right belonging to your said Orator, casually or by some unlike meanes come to their hands, do not only claime the same to be parcell of their severall said manors, but also under pretence of their said pretended and uncertaine claime, not onely some of them, but also divers other under the colour and permission of some of them, hath cut and

and caused to be cut downe the most part of the best trees growing upon the said parcell of wood ground, as in truth all that was felled did grow there in a corner thereof towards the East part, containing like vii. acres, and that in absence of your said Orator then being, and yet remaining a Student in the University of Cambridge, that is to say, a Fellow of Gunvill and Caius Colledge, and not so contented, but considering your said Orators absence, daily and continually, both continue their former claime to the said ground, within the Meares and bounds aforesaid, and so do cut down and cause to be cut downe the residue of the wood there growing, & so will very shortly leave none there. And also by colour and reason of the said permission, they will shortly by such indirect meanes and practise, win and get the freehold and inheritance thereof to them, as they have in other the wastes, common, and like grounds within the mannor of, or in C. or at the least have none able to testifie the contrary, whereas now in truth there are divers and sundry sufficient and ancient witnesses, being very aged, and some of them very impotent, that can and will travell so farre as they are able to travell, to testifie upon their oathes the truth of the premisses in manner and forme as before in effect is alledged and more for the better proof of your said Orators right, in and to the said last recited premisses, if cause and need shall so require, and that the said R. W. F. B. and R. T. upon their answers unto the matters in this Bill of compl. will not confesse the truth therein, as it is most credibly to be presumed they will, and the rather, for that if they will deny the same, they know in proceeding upon the answers of this Bill, all the whole truth concerning the premisses must be examined by depositions of witnesses, and their depositions, if order presently be not taken of the same, shall and may remaine of Record in perpetuam rei memoriam, to do further therein, as by this honourable Court shall be awarded: wherefore the premisses tenderly considered, and also the incertainty, whether the said R. W. F. B. and R. T. or any of them will confesse the whole truth concerning the right and title of your foresaid Orator to the same; and the wrong and dammage by them, and others, by their meanes and consent to him done. And if they should not, the uncertaintie, whether that the foresaid ancient, aged, and impotent persons or any of them that now be living, and can testifie the truth concerning the same, shall be living when the same shall come to triall at, or by the course of the common lawes, to whom the right of the freehold and inheritance thereof doth of right belong, over and besides the importancie, that they or most of them may have at such time and times, to travell to witnesse and testifie the truth concerning the premisses, with this, that your said Orator doth not know the certaine date

or dates of the said deeds, charters, evidences, boundaries, terrers, muniments, or wherein the same be contained, whether in bag or box, sealed, or locked, or otherwise, and so without remedy for the recovery of the same, and redresse for the wrong abovesaid, of, or by order of the common lawes of this Realme: It may therefore, &c.

A Bill against the Executors, for that the Testator did not deliver specialties paid, whereupon they threaten to sue the Plaintife.

Sect. 106.

IN most humble wise complaining, sheweth to your good Lordship, your poore and daily Orator G. N. of T. in the county of D. yeoman. That whereas your said Orators about the moneth of January, in the 30. yeere of the raigne of our soveraigne Lady Elizabeth, the Queens Majestie that now is, by his severall bonds or writings obligatorie became bound to one N. D. now deceased, for the payment of severall summes of money unto the said N. All which said sums of money, and every parcell thereof your said Orator hath truly satisfied and payed to the said N. D. in his life time, according to the purport and effect of the said severall bonds and writings obligatorie, not taking any of the specialties, or any acquittance or discharge from the said N. D. for the same, but onely trusted the words of the said N. D. who faithfully promised your said Orator to send the same specialties to your said Orators house, at Totley aforesaid, or sufficient acquittance for the same. But now so it is, if it may please your good Lordship, that since the death of the said N. D. the said obligations and writings obligatorie are come to the hands and possession of N. C. of S. in the countie of Yorke yeoman, and T. C. of S. aforesaid yeoman, who by colour of having thereof, have now of late in their owne names as executors to A. D. late wife of the said N. D. and executrix of the last will and testament of the same N. commenced suit in her M. Court of common pleas at Westminster, against your L. said poore Orator, upon one of the said obligations or writings, obligatorie of the summe of xli. li. or thereabouts, indorsed with condition for the payment of vi. li. at a day mentioned in the same condition, and do threaten to put the residue of the said specialties in suit against your said Orator, meaning and intending thereby to recover against your said Orator the penalties of the said severall obligations and writings, who hath already paid the principall and due debts to the said N. D. in his life time as aforesaid, which is contrary to all right, equity, and good conscience. In consideration whereof, and forasmuch as your Lordships said Orator hath not any witnesses now living, that can testifie the payment of any of the said summes of money, or any part or parcell thereof, and therefore cannot plead any matter

matter in barre at the common law to the ſaid actions already commenced by the ſaid C. and C. whereby your ſaid Oꝛatoꝛ, by the ſtrict courſe of the common lawes of this Realme, is altogether remedileſſe, unleſſe your L. accuſtomed goodneſſe be to your ſaid pooꝛe Oꝛatoꝛ extended: May it thereforꝛe pleaſe your good L. &c.

A Bill againſt Executors upon a private promiſe made by their Teſtator, retaining an Atturney to proſecute and defend ſuits for himſelfe and others, alledging that the Executors have waſted the Teſtators goods, &c.

HUmbly complaining, ſheweth unto your honourable L. your daily Oꝛatoꝛ W. W. of F. in the County of Y. gentl. one of the Attur- Sect. 114.
nies of the M. Majeſties Court of common pleas, beforꝛe her Highnes Juſtices, to be holden of the ſame Court: That wheres one J. M. of T. neere N. in the County of Notting. Eſq. deceaſed, in his life time, that is to ſay, about the terme of the holy Trinity, which was in the yeere of our Loꝛd God 1586. did retaine the ſaid W. W. to be of counſell with him the ſaid J. M. to pꝛoſecute and defend divers and ſundꝛy ſuits, pleas, and buſineſſes to be done, and had in the ſaid Court of common pleas, as well foꝛ the ſaid J. M. as foꝛ divers others his then ſeꝛvants and bailifes, and tenants, and namely foꝛ the ſaid J. M. againſt R. E. in a wꝛit of Replevin foꝛ thꝛee kine of the ſaid R. ſuppoſed to be unjuſtly taken and detained by the ſaid J. M. And foꝛ the ſaid J. M. againſt H. T. in a Replevin of the ſaid H. foꝛ ſix oxen ſuppoſed to bee taken and unjuſtly detained by the ſaid J. M. And foꝛ the ſaid J. M. againſt J. H. in a Replevin foꝛ two kine of the ſaid J. H. ſuppoſed to be taken and unjuſtly detained by the ſaid J. M. And foꝛ the ſaid J. M. againſt E. S. in a Replevin of certaine cattell of the ſaid E. ſuppoſed to bee taken, and unjuſtly detained by the ſaid J. M. And foꝛ R. R. and W. S. againſt R. L. foꝛ thꝛee oxen of the ſaid R. H. ſuppoſed to be taken and unjuſtly detained by the ſaid R. R. and W. S. And foꝛ J. S. and R. S. againſt H. T. alias W. in a Replevin, foꝛ certaine beaſts of the ſaid H. S. ſuppoſed to bee taken and unjuſtly detained by the ſaid J. S. and R. S. And foꝛ R. R. and W. S. againſt R. H. in a Replevin of divers beaſts of the ſaid R. H. ſuppoſed to bee taken and unjuſtly detained by the ſaid R. R. and W. S. And foꝛ J. S. and T. W. againſt T. E. in a Replevin of certaine beaſts of the ſaid T. E. ſuppoſed to be taken and unjuſtly detained be the ſaid J. and T. W. And foꝛ the ſaid J. S. and T. W. againſt the ſaid R. E. in another Replevin of certaine beaſts of the ſaid R. E. ſuppoſed to bee taken and unjuſtly detained by the ſaid J. S. and T. W. taking foꝛ his fee and laboꝛ foꝛ every one of the ſaid pleas and buſines, ſo as is ſaid in the ſame Court by him to be pꝛoſecuted and defended foꝛ every terme

in which your said Orator should be Atturney for him or them, or any of them, 3.s. 4.d. And besides that fee, all reasonable costs and expences about the prosecution of the same suits, pleas, and businesses, as for the writting of writs, sealing of them, and drawing and entring of pleas, and warrants of Atturney, and for all other things in that behalfe, by him your said Orator be laid forth and expended, and in consideration thereof, he the said F. M. did about the same time assume upon himselfe, and unto your said Orator faithfully promise, well and truly to content, satisfie and pay unto the said Orator whensoever he should be thereunto required by your said Orator, as well the said fee of 3.s. 4.d. for every of the said suits, pleas, and businesses so to be prosecuted, as also all the said costs and expences, so as is aforesaid, to be laid forth in that behalfe: by reason of which retainer and promise, so as is aforesaid made, your said Orator was of counsell with the said J. M. and the said other persons in the said suits and pleas in the said court, by the space of 8. severall termes next ensuing the said retainer, and during the said time did prosecute and sue for and defend divers suits and writs, as well judiciall as originall, as by the records therof remaining in the said court appeareth, by reason wherof your Orators fees for the prosecution and defending of the said suits or pleas by the said time did amount unto 1. li. or thereabouts, besides the costs and expences laid out by him in the same, which costs & expences laid out by your L. said Orator did amount unto 8. li. 19. s. 9. d. which were behind and unpaid unto your said Orator, by meanes whereof action accrued unto your said Orator to demand and have of the said J. M. in his life time the said sum of 18. li. 19. s. 9. d. and of the said A. M. unto whom the administration of all the goods and chattels which the foresaid J. M. had at the time of his death, were after his death lawfully committed, yet therefore the said J. M. in his life time the said sum of 18. li. 19. s. 9. d. nor any peny thereof, though oftentimes in his life time thereunto by your said Orator required, or the said A. M. his administrator after his death, notwithstanding that the goods & chattels which were the said J. M. be sufficient for the paiment of the said 18. l. 19. s. 9. d. unto your said Orator, and of all other debts which the said J. M. ought to have paid, did come to the possession of the said A. M. & still remaine in the possession of her the said A. M. or of such person & persons, unto whō she hath yeelded, left, or delivered the same, notwithstāding that she hath sundry times since the death of the said J. M. bin gently required by your said Orator to pay to him the same 18. l. 19. s. 9. d. or any part thereof, hath not yet paid and contented, but the same to content and pay hath ever hitherto denied and refused, & the said A. doth yet denie and refuse to pay the same, thereof intending utterly to defraud and deceive your said Orator against all right, equity,

and

and good conſcience, notwithſtanding alſo that ſhe the ſaid A. M. hath her ſelfe at ſundry times heard the ſaid I. M. in his life time promiſe, That he would pay unto your ſaid Orator all ſuch ſummes of money, as were behind unto your ſaid Orator, and notwithſtanding alſo, that ſhe well knoweth that the foreſaid ſum of 18. li. 19. s. 9. d. was due unto your ſaid Orator, by the foreſaid I. M. his wife, by reaſon that ſhee hath ſeene, and hath a particular bill thereof, which was ſent and deliuered to him in his life time by your ſaid Orator, and notwithſtanding alſo, that ſhe her ſelfe ſince the death of the ſaid I. M. did aſſume and faithfully promiſe to pay unto your foreſaid Orator, all ſuch money as was due unto him at the ſaid time of his death, if ſhe the ſaid A. M. did take upon her the adminiſtration of her goods and chattels, which ſhee hath done as is ſaid. All which things ſhe the ſaid A. hath done partly by her owne injurious mind, but chiefly by the wicked and ſinfull perſwaſion of R. M. Gentleman her ſonne, by whoſe counſell and perſwaſion ſhe hath cloſely and ſecretly conveyed away a great part of the ſaid goods being of very great value, to divers places and perſons, to your ſaid Orator utterly unknowne, and left the ſame out of the Inventory of the ſaid I. M. his ſaid goods which ſhee hath exhibited: and alſo hath cauſed ſuch goods and chattels, as be mentioned in the ſaid Inventory, to be praiſed much under the value thereof, and a great part thereof to be ſet downe therein ſo confuſedly and inconveniently, that it cannot well be knowne, either what they be or of what value. And furthermore, ſhe the ſaid A. by the like ſiniſter counſell and perſwaſion, hath conſented and cauſed one H. B. and T. C. and divers other perſons being her ſpeciall friends covenously to commence divers and ſundry fraudulent actions of debts and executions againſt her, as Adminiſtratrix of and to the ſaid I. M. ſuffering her ſelfe therein to be convicted and condemned, though in very truth either nothing, or very little was due unto them, and in a manner nothing at all taken of her by them, by vertue of the ſaid actions and executions, to the intent thereby to dazle the eyes of your Orator, and of other the Creditors of the ſaid I. M. not knowing the truth of the ſame ungodly deviſes, intending by ſuch meanes to defraud and defeat your ſaid Orator, and the reſt of his ſaid Creditors, of the moſt part of their ſeverall debts, which their unlawfull practiſes are like to be to the great loſſe and hinderance of your ſaid Orator, if ſpeedy remedy be not by your good Lordſhips meanes provided to meet with, and prevent the ſaid unconſcionable and unjuſt dealing in the premiſſes, for that the promiſes and aſſumptions of the ſaid I. M. and A. M. were made ſecretly and privately unto your ſaid Orator, no perſons being preſent with them at the making of the ſaid ſeverall promiſes, nor any man living which can teſtifie the ſame, ſo

that your said Orator for want of such proofe thereof, as is requisite by the strict course of the common lawes of this Realme, is altogether remedilesse, if it be not by the order of this honorable court, wherein your L. said Orator hopeth, and verily thinketh, that she the said A. P. in her answer to the premisses, upon her corporall oath will confesse the same, to be in effect, as it is herein set forth and disclosed: May it therefore, &c.

A Bill for divers Evidences.

Sect. 108. HUmbly complaining, sheweth unto your L. G. Earle of S. That whereas the said Earle is lawfully seised in his demeine, as of fee, of, and in the manor of S. in the County of P. and in the hundred of S. with the appurtenances in the County of D. and of and in the castle and manor of S. with the appurtenances in the County of P. and of the castle and manor of B. in the County of D. and of and in the castle and manor and hundred of B. in the County of D. with the appurtenances, and of, and in divers messuages, lands, tenements, hereditaments, franchises, and liberties, to the said severall manors, and hundreds belonging: Now so it is, if it may please your good L. that divers and sundry court-rols, charters, evidences, exemplifications of records, extracts, terrers, pleadings, writtings, and muniments, concerning the said severall manors, hundreds, and premisses, with the appurtenances, and of right belonging unto the said Earle, and whereby the said Earle should make his title unto the said manors, hundreds, liberties, and premisses with the appurtenances, or to the most part thereof, are by calle all meanes come unto the hands, custody, and possession of one N. C. of S. in the County of D. And albeit that the said Earle hath sundry times sent unto the said N. C. gently requiring him to deliver unto the said Earle the said court-rolles, charters, evidences, exemplifications of records, extracts, pleadings, writtings, and muniments, yet that to do, the said N. hath ever hitherto utterly denied, and yet doth deny to do the same, against all right, equity, and good conscience: In tender consideration wherof, and forasmuch as the said Earle knoweth not the certain dates, and other the certainties of the said deeds, charters, evidences, exemplifications, &c. neither wherein they, or any of them be contained, and therefore hath not any ordinary remedy by the common lawes of this Realme to recover the same deeds, evidences, &c. or any of them, and wanting the same deeds, &c. is in danger to lose many franchises, liberties, and commodities belonging to the said severall manors, hundreds, and premisses: May it therefore please your hon. L. to grant unto the said Earle the M. Majesties most gracious writ of Sub pœna, to be unto him directed, commanding him to appeare before your hon. L. in her Majesties high court of Chancery.

A

A Bill for not making of an aſſurance of lands according to a covenant, alledging the Indenture thereof to bee come to the defendants hands, and that ſome of the defendants were within age at the making of the ſame Indenture.

COmplaining, ſheweth unto your hon. L. Gilb. Earle of S. ſon and heire of the right hon. George late Earle of S. deceaſed, and adminiſtrator of the goods and chattels which were the late Earles at the time of his death. That whereas about the moneth of Sept. which was in the 32. yeere of the raigne of the Qu. moſt excellent Majeſtie that now is, one R. E. of H. in the County of D. gentl. was ſeiſed in his demeſne as of fee, of, & in one annuity or yeerely rent charge of 20. li. by the yeere, iſſuing and going forth of certaine lands in B. in the ſaid County of D. and of, and in one other annuity or yeerely rent charge of 40. markes by the yeere, iſſuing and going forth of certaine lands and tenements in B. aforeſaid. And where alſo he then had to him and his heires, to the uſe of him and his heires for ever, by conveiance from one P. B. Eſquire, one melting houſe and certaine ground then lately uſed to the ſame. And where further the ſaid R. E. by conveiance from the ſaid P. B. then had to him and his heires for ever, the tithe of the corne and hay renewing, comming or growing within B. aforeſaid, or elſewhere within the ſeverall Parriſhes of D. or S. or either of them, in the ſaid County of D. And where alſo one T. E. ſon and heire apparant of the ſaid R. E. then alſo had by conveiance from the ſaid P. B. to the uſe of the ſaid T. E. and his heires for ever, divers and ſundry lands, tenements, & hereditaments, with the appurtenances in B. aforeſaid. And where alſo one G. E. ſecond ſon of the ſaid R. E. then had by conveiance from the ſaid P. B. unto the uſe of the ſaid G. E. his heires and aſſignes for ever, the Manor of B. with the appurtenances, and divers lands, tenements & hereditaments, with the appurtenances, as by ſeverall conveiances of the ſaid ſeverall tenements, things, and premiſſes, to the ſaid R. T. & G. before that time ſeverally made appeareth: by force whereof they were thereof lawfully ſeiſed ſeverally in their ſeverall demeſnes, as of fee: and being thereof ſo ſeiſed, they the ſaid R. E. T. E. and G. E. for a certaine ſum of money to them well and truly paid by the ſaid late E. & for other conſiderations them eſpecially moving, by Indenture bearing date, in, or about the ſaid moneth of Sept. in the 32. peer aboveſaid made between them on the one party, and the ſaid G. late Earle of S. on the other party, did fully, freely, and abſolutely alien, grant, bargaine and ſell unto the ſaid G. late Earle of S. his heires and aſſignes for ever, the ſaid Manor of B. with all his rights, members, and appur- Sect. 109.

tenances in the said county of D. and all and singlar messuages, tofts, cotages, houses, &c. to the said manor of B. belonging, or in any wise appertaining: and all other the messuages, lands, tenements, rents, reversions, services and hereditaments of the said R. T. and G. E. and every of them whatsoever, scituate, lying, &c. together with all the reversion and reversions, remainder, and remainders, of all and singular the premisses and every part thereof with the appurtenances, and all estate, right, title, interest, claim, use, possession, and demand of them the said R. E. T. E. and G. E. and of every of them whatsoever, of, in, & to the said manor, messuages, lands, tenements, hereditaments, and other the premisses before mentioned, and of, in, and to every part thereof: excepting and foreprising one grant made by the said P. B. to the said R. his heires and assignes for ever, of common of pasture for all, &c. To have and to hold the said manor, lands, tenements, and premisses, with the appurtenances (except before excepted) unto the said G. late Earle of S. his heires and assignes for ever, to the onely use of him the said late Earle, his heires and assignes for ever: and in consideration of the premisses, the said late Earle by the said Indenture of bargaine and sale, did grant unto the said R. E. his heires and assignes for ever, to the only use of the said R. his heires & assignes for ever, one annuity or yeerly rent charge of C. li. of lawfull English money, to be issuing and going out of all and singular the said manor, lands, tenements, and premisses (except before excepted) and except such lands, tenements, and hereditaments, as were then assured or conveyed for the joynture of the right hon. Eliz. then, and yet Countesse of S. to be payed at the Feast of S. Michaell the Archangell, and the Annunciation of the virgin Mary, by even portions, or to this or the like effect and meaning, as in and by the said Indenture of bargaine and sale amongst other things plainely appeareth, the precise contents whereof this complainant cannot more certainely set downe, for want of the said Indenture. And whereas also (as this complainant hath heard) it was in, and by the said Indenture of bargaine and sale covenanted, and granted on the part of the said R. E. T. E. and G. E. to and with the said G. late Earle of S. this complainants said late father, his heires and assignes, and every of them, that they the said R. E. T. E. and G. E. their heires and assignes, and every of them, other then such person and persons for the time being, whose estates and interests are in the same Indenture excepted, their executors, administrators, and assignes, and every of them, in respect onely of the same estates and interests so excepted, and every of them, should and would at all times hereafter, for, and during the space of certaine yeeres, next ensuing the date of the said Indenture of bargaine and sale, now almost ended and expired, at, and upon the lawfull

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and reaſonable requeſt, and at the coſts and charges in the law of the ſaid Earle, his heires or aſſignes, or ſome of them do, make, and knowledge, and ſuffer, cauſe, and procure to be done, made, and acknowledged all and every ſuch further, lawfull, and reaſonable act and acts, thing and things, deviſe and deviſes in the law whatſoever, for the further and more better aſſurance, ſurety and ſure making and conveying of the ſaid manor of B. and the meſſuages, lands, tenements, and premiſſes, with the appurtenances, in the ſaid Indenture mentioned to be bargained and ſold (except before therein excepted) unto the ſaid Earle his heires and aſſignes, to the onely uſe and behoofe of the ſaid Earle, his heires and aſſignes for ever, according to the true intent and meaning of the ſaid Indenture, were it by fine, feoffement, recoverie, deed, or deeds inrolled, the inrollement of the ſaid Indentures, releaſe, confirmation with joynt or ſeverall warrantie of the ſaid R. E. T. E. and G. E. their, and every of their heires againſt them the ſaid R. E. T. E. and G. E. their, and every of their heires and aſſignes, and every of them, and againſt all and every other perſon and perſons whatſoever clayming, in, by, from, or under them, or any of them, or otherwiſe with like warrantie, or without warrantie as by the ſaid Earle, his heires or aſſignes, or his or their counſell learned in the lawes, ſhould be deviſed, adviſed, and required, ſo as none of the ſaid acts or things concerning the ſaid further aſſurance, ſtretch or extend to any other or further warrantie or warranties of the premiſſes, or any part thereof, then as is before expreſſed, or to the effect and meaning, as in the ſame Indenture of bargaine and ſale appeareth: But now ſo it is, if it may pleaſe your H. L. that at the time of the making of the ſaid Indenture of bargaine and ſale unto the ſaid late Earle, the ſaid T. E. and G. E. were within and under the age of 21. yeeres: And ſhortly after the making of the ſaid Indenture, and before the ſame was either knowledged or inrolled, or any eſtate executed thereupon, by Attornement, Liverie of ſeiſin, or otherwiſe, that is to ſay, upon or about the 17. day of November, next enſuing the making of the ſaid Indenture, the ſaid G. late Earle of S. died, by and after whoſe death, the right to have and inherit the ſaid manors, lands, tenements, and premiſſes with the appurtenances diſcended and came, as of right the ſame ought to diſcend and come unto this complainant, as his eldeſt ſonne and next heire, ſhortly after whoſe death, the adminiſtration of all the goods and chatels of the ſaid G. late Earle of S. was by the right reverend father in God, J. by the providence of God, Archbiſhop of Canterbury, Primate and Metropolitane of all England, committed to this complainant now Earle of S. who adminiſtred the ſaid goods and chattels accordingly. And further ſo it is, if it may pleaſe your good Lordſhip,

that

that the part or counterpaine of the said Indenture of bargaine and sale belonging to the said late Earle, is since the death of the said late Earle by casuall meanes come to the hands, custodie, and possession of the said R. E. T. E. and G. E. or some of them, or some other person by their privitie and consent, the full contents whereof are utterly unknowne to his compl. by colour whereof, and for that the said T. E. and G. E. were so, as is aforesaid, within age at the making of the said Indenture, they the said R. E. T. E. and G. E. having a great desire have the said manors, lands, tenements, and bargained premisses, and thereof to disinherit and defeat this complainant, contrary to the true intents and meaning of the said Indenture: Notwithstanding that this complainant hath yeerely sithence the making of the said Indenture, well and truly satisfied and payed unto the said R. E. the said Annuity or yeerely rent charge of 100. li. by the yeere, in the said Indenture mentioned, according to the tenor, forme, and effect of the same Indenture (as this complainant verily thinketh.) And notwithstanding that this complainant hath sundry times, as well by himselfe as by divers other of his servants and friends in his behalfe, sent and come unto the said R. E. T. E. and G. E. gently requiring them, and every of them, to deliver unto your said Orator, the said part or counterpaine of the said Indenture of bargaine and sale of the premisses: And also to make unto him this complainant and his heires, further conveyance and assurance of the said manor, tenements, and premisses, by fine to bee levied before the Justices of the common pleas at Westminster, and for that purpose in the terme of S. Hillary, which was in the 34. yeere of the Queenes Majesties raigne that now is, at Westminster in the County of Middlesex, this complainant required the said R. and T. according to the tenour, true intent, and meaning of the said Indenture of bargaine and sale thereof, to come before Sir E. A. Knight, then, and yet chiefe Justice of her Majesties Court of common pleas at Westminster, to make cognisance before the same E. A. Knight of the said manor, tenements, and premisses, with the appurtenances, in forme of law, that a fine thereupon might have been levied, to the use of this complainant, and his heires for ever, yet that to do, they and every of them have ever hitherto refused and denied, and yet deny and refuse to do the same, contrary to the forme and true meaning of the covenants and agreement in the said Indenture of bargaine and sale thereof contained, and against all right, equity, and good conscience, and to the manifest defeating, and disinheriting of him this complainant, of and in the said manor, lands, tenements, and premisses, and contrary to the true intent and meaning of the same Indenture of bargaine and sale thereof, except speedy remedy

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be in due time prouided to preuent the ſame. Wherefore the premiſſes conſidered, and foraſmuch as the ſaid Complainant not knowing the certaine date and contents, and other certainties of the ſaid part or Counterpaine of the ſaid Indenture of bargaine and ſale, nor wherein the ſame is contained, whether in bag, box, or cheſt, locked, ſealed, or otherwiſe, and ſo hath none ordinary remedy by the due courſe of the common lawes of this Realme, for the recouery thereof. And without the ſame Indenture hath no direct action by the common lawes of this Realme to compell the ſaid R. E. T. E. and G. E. or any of them to aſſure unto him this Complainant, the ſaid manor, lands, tenements, and premiſſes, according to the ſaid bargaine thereof, for lack of the ſaid Indenture, both parts thereof being come to the hands of the ſaid Defendants. Neither if this Complainant had the ſaid part or Counterpaine of the ſaid Indenture (as he hath not) yet had he not thereby any meanes by the common lawes of this Realme, to compell the ſaid T. E. and G. E. or either of them, to performe the bargaine and couenants therein contained, they the ſaid T. and G. being as is aforeſaid, vnder the age of one and twenty yeeres, at the time of the making thereof. It may pleaſe your honourable Lordſhip, the premiſſes conſidered, to grant vnto him this Complainant, the Queenes Majeſties moſt gratious writ of Sub pœna to be directed to the ſaid R. E. T. E. and euery of them, thereby commanding them and euery of them at a certaine day, and vnder a certaine paine therein by your good Lordſhip to be limited, to be and perſonally to appeare before your honourable Lordſhip in the Queenes Majeſties high Court of Chancery, then and there to anſwer vnto the premiſſes, and further to ſtand to, and abide ſuch order and direction therein, as to your good Lordſhip vpon the hearing of the ſaid cauſe, ſhall ſeeme to be agreeable with right, equity, and good conſcience, &c.

A Bill againſt the heire for entring into lands deuiſed to the Plaintife, praying a Commiſſion to examine witneſſes in perpetuam rei memoriam.

HVmbly complaining, ſheweth vnto your good Lordſhip, your poore diſtreſſed Orator G. W. of N. in the County of N. yeoman. That whereas W. W. deceaſed Father vnto your ſaid Orator, was in his life time lawfully ſeiſed in his demeſne as of fee, of, and in the manor and Capitall meſuage of N. in the County of N. and of, and in one farme, ſet, lying, and being within the parith of W. in the ſaid County of N. and of diuers other lands, tenements, and hereditaments in N. aforeſaid. And alſo whereas the ſaid W. W. deceaſed, Sect. 110.

was

was likewise in his life time lawfully seised in his demesne as of fee, of, and in certain ground, and one tenement with the apurtenances, set, lying, and being within the Parish of C. in the County of D. and also of, and in the rectory and parsonage of C. alias C. within the said County of D. and of diuers other lands and tenements, set, lying, and being in the County of M and D. and he so being of the said lands and tenements seised, did by his last will and testament in writing, deuise and bequeath unto your said humble Orator, and to the heires males of his body lawfully begotten, certaine parcels of land, of and in the said manor of M. that is to say one mansion house, wherein your said poore Orator now inhabiteth and dwelleth, one Close commonly called B. containing by estimation two acres, or thereabouts, one other Close commonly called C. containing by estimation two acres, or thereabouts, one other Close commonly called the upper S. all which severall parcels of land are scituate, lying, and being in M. as is aforesaid, in the foresaid County of M. one messuage or tenement commonly called by the name of an Organg, scituate and being in W. in the said County of M. and also one tenement called the M. scituate, lying, and being in the County of D. and one lease of the Rectorie and Parsonage of C. in the County of D. by vertue and force of which said deuise, and bequeath, your said humble Orator entred into the said premisses, and the said issues and profits of the same hath perceiued, received, and taken to his owne profit, use, and behoofe, as lawfull was for him to do, as he verily beleeueth. But so it is, if it may please your Hon. good Lordship, that one R. W. brother to your said humble Orator, as son and heire apparant to the said W. W. his father deceased, hath taken away, concealed, and cancelled, as it is thought, the said last will and testament of your said Orators father, and hath taken upon him the administration of all the goods and chattels of your said Orators father, rejecting and disanulling the said last will and testament made by your said Orators father, as aforesaid, to the intent onely, and thereby of set purpose, malice, and unbrotherlike dealing, to defraud, expell, depriue, and disinherit your said Orator of his right, title, and interest, of, and in the said lands, deuised to him as aforesaid, and also doth threaten your foresaid Orator, that hee may at his pleasure relinquish and disanull the beforesaid last will and testament made by your foresaid Orators father as is aforesaid, and did take the administration of all your said Orators fathers goods and chattels, and entred into all his said lands, as is aforesaid, contrary to all right, equity, and good conscience, and not christian like, but unbrotherlike dealing, and contrary to the true intent and good meaning of your foresaid Orators fathers will, made as is aforesaid, unlesse your good L. do according unto your accustomed

cuſtomed goodneſſe, extend your clemencie, and pitie in that behalfe to your poore Orator. In conſideration whereof the premiſſes conſidered and foraſmuch as the title of your ſaid Orator, by reaſon of the indirect practiſe uſed as aforeſaid, in concealing, cancelling, and relinquiſhing the ſaid laſt Will as aforeſaid, doth greatly depend upon the witneſſe and teſtimony of certain perſons dwelling within the county of N. to prove the true meaning of your ſaid Orators fathers Will, which are of great yeeres, and alſo very impotent, not like long to live, nor able to travell to this honorable Court to be examined for the teſtifying of the truth, touching the premiſſes, as by common order appertaineth. And alſo for that in time the ſaid witneſſes may die, and by means thereof your ſaid Orator may be in danger to ſuſtain diſinheriſon of the premiſſes: May it therefore pleaſe your good Lordſhip to grant the Queenes, &c.

A Bill for refuſing to receive the Plaintifes rent according to an order, and taking of forfeiture of a bond made for payment of the rent.

HUmbly complaining, ſheweth unto your good L. your daily Orator I. T. G. in the County of N. yeoman, That whereas one I. B. of W. in the County of Yorke Miller, pretended as in the right of his wife to be owner of a certaine meſſuage in E. in the County of N. aforeſaid, and of certaine land, medow, and paſture thereunto belonging, and lying within the fields of E. aforeſaid, and the ſaid I. B. ſo pretending himſelfe in the right of his ſaid wife to be ſeiſed as is aforeſaid about the 19. or 20. yeere of the Qu. Majeſties moſt gracious raigne that now is, did demiſe the ſaid meſſuage and land in E. aforeſaid unto your ſaid Orator, and one A. L. gentleman, to have and to hold to them for the terme of 21. yeers from the time of the making thereof, rendring therefore yeerely the rent of 20. s. payable at Whitſontide and Martinmas by even portions, for the payment of which ſaid rent of 20. s. he the ſaid B. knowing himſelfe the title thereof to be queſtionable, and likely to grow to ſome charges in law to your ſaid Orator, to defend, did therefore cunningly get your ſaid Orator to become bound in an obligation of 20. li. for the yeerely payment of the ſaid rent accordingly unto him the ſaid B. after which leaſe and bond ſo made, as aforeſaid, and alſo immediately after your ſaid Orators entrie into the ſame, the title thereof was ſo defended againſt your ſaid Orator, by ſuch as claimed the ſame againſt him the ſaid B. as that the charges thereof ſpent about the recovering thereof, did ſtand your ſaid Orator in above 20. nobles, beſides the great travell and loſſe of time that your ſaid Orator ſuſtained thereby, being yet altogether unrecompenced at the ſaid B. hands, although he often promiſed to have ſome conſi- Sect. 111.

deration

deration thereof towards your said Orator. And whereas also since and immediately after that time, he the said I.L. likewise in the right of his said wife pretended to have right unto certaine copihold lands lying in the parish of E. aforesaid, then being in the occupation of your said Orator and other persons, for the tryall whereof, there being certain actions depending in the copihold Court at Southwell, it was notwithstanding before the trtall thereof, as well by the consent of the said K. of the one party, as also by the assent of your said Orator, and the defendant on the other party, referred to order and arbitrement of one P.K. and I.B. Esquires, that they should order and determine as well the right, as the possession of the said copihold lands so then in question, which said P.K. and I.B. Esq. being willing the controversies might have a good and finall end, and yet themselves having no good opportunity to attend the same, did therefore intreat as well the said I. K. as also your said Orator and the other, that it might stand with their likings, that one M.C. and H.W. of M. for that they were better acquainted with the interest of both the parties, might therefore order and make an end thereof in all points, as should seeme good unto them, whereunto as well the said K. as also your said Orator, with the rest agreed, promising to performe any such order as they the said C. and W. should in that behalfe make and agree upon: whereupon the said M.C. and the said H. W. taking upon them the said arbitrement, did thus, or to the like effect, order, agree, and publish their order and award, that your said Orator should still enjoy and continue his possession of the said copihold lands, for, and during so long time as the wife of the said K. should live, paying yeerely for the said copihold land, unto the said K. 4. s. rent, and for that he the said K. received also another rent of 20. s. by the yeere, at two severall times, of your said Orator for the freehold land aforesaid, they the said arbitrators, for the more ease and certaintie of him the said K. did further order and appoint that your said Orator should also pay the said 4. s. rent for the copihold land, at the same time that the other rent for the freehold was used to bee paid, which was at Whitsontide and Martinmas, so that from thenceforth he your said Orator should yeerely pay at the dayes aforesaid, the whole and entire summe of 12. s. at every of the said feasts. And also for that the said arbitrators did well foresee, that the said entire payment of 12. s. at one day and instant, could not conveniently be paid on the severall lands, out of the which they in truth and law were severally issuing, for that the said freehold and copihold land be distant in severall places, therefore the said arbitrators, for the more ease and certainty of him the said K. did order and appoint, that your said Orator should yeerely at the dayes aforesaid or within 14. dayes after every of them,

pay

pay the ſaid rent of xli.s. at the houſe of one W. W. of M. being a ſtrends houſe of him the ſaid B. and alſo far nearer unto the ſaid B. his dwelling then the land it ſelfe is, unto which ſaid order and arbitrement, he the ſaid B. together with your ſaid Orator, did willingly agree and condeſcend: and ſo for the ſpace of ſeven or eight yeeres laſt paſt, the ſaid B. hath alwaies received his rent accordingly, at the houſe of the ſaid W. W. of M aforeſaid. Notwithſtanding ſo it is, if it may pleaſe your good L. that the ſaid J. B. meaning, as it ſeemeth, not only contrary to the ſaid order and award, but alſo contrary to all right, equity, and good conſcience, ſubtilly and extremely to take advantage of your ſaid Orators bond of xx.l. hath refuſed to receive your ſaid Orators laſt Whitſontides rent, ready for him at the ſaid W. houſe aforeſaid, according to the ſaid order and ward therein made, as aforeſaid: May it therefore pleaſe your good, &c.

A Bill for payment for cattell ſold without preſent money, or ſpecialty, by reaſon of truſt repoſed in the Vendee.

HUmbly complaining, ſheweth unto your good Lordſh. your daily Orator W. B. of B. in the County of M. Butcher. That whereas your ſaid Orator about ſix or ſeven yeeres now laſt paſt, ſold and delivered unto one R. W. of the ſame towne and County Butcher, ſix ſteers, and five oxen, being all fat cattell, for the price of xl.li. and ten ſhillings, which ſaid ſum of xl.li. and x.s. the ſaid R. M. then faithfully promiſed to pay unto your ſaid Orator within a ſhort ſpace then after, and now long ſithence paſt, or elſe when your ſaid Orator would require and demand the ſame of him the ſaid R. W. of which ſaid bargain and ſecurity for the ſaid money, your ſaid Orator was then leſſe carefull, for that your ſaid Orator not long before had been ſervant unto the ſaid R. W. and for that the ſaid W. had beene maſter unto your ſaid Orator, therefore your ſaid Orator did truſt him the ſaid W. ſo well, as that he neither took any ſpecialty or ſecurity of him the ſaid W. for the ſaid ſum of xl.li. and x. s. nor provided any witneſſes to be preſent and to teſtifie the ſame bargaine and contract betwixt them, but onely privately betwixt themſelves contracted the ſame. And likewiſe your ſaid Orator privately delivered the ſaid ſix ſteers, and five oxen, unto him the ſaid R. W. upon truſt, and performance of his private ſpeech, and promiſe of payment thereof as aforeſaid, whereupon the ſaid R. W. then preſently received the ſaid ſix ſteers, and five oxen at your ſaid Orators hands, and did preſently afterwards convert the ſame to his own proper uſe and benefit: before the money paid by him the ſaid W. unto your ſaid Orator for the ſame, &c. May it therefore pleaſe your, &c. Sect. 112.

A Rejoynder.

THe ſaid defendant rejoyneth and ſaith in all and every thing and things, as he in the ſaid anſwer hath ſaid, and doth and will averre, juſtifie, maintaine, and prove the ſame anſwer, and all and every thing, and things, clauſe, ſentence, article, and allegation therein contained to be good, juſt, and true, certaine, and ſufficient in the law to be replied unto, in ſuch ſort, manner, and forme, as the ſame beene therein moſt truly ſet forth and declared. And this defendant further ſaith, that the ſaid replication of the ſaid complainant is very incertaine, untrue, and inſufficient in the law to be rejoyned unto by this defendant, for divers apparant faults and imperfections therein contained. And that the ſame is ſo contrived and made by the ſaid compl. for the cauſes in the ſaid anſwer expreſſed, and to the end to give ſome further colour, or rather ſhaddow for the maintenance of the ſaid Bill without cauſe in this hon. Court, to the unjuſt vexation of this def. as may appeare, for that thee the ſaid comp. by the ſiniſter meanes of one M. P. who as it is ſaid, procureth and ſolliciteth the ſame ſuit for the ſaid complainant againſt this def. hath without all order, as he is informed, cauſed him being a plaine ſimple unlearned man, to become bounden by oblig. for the proceeding in the ſaid ſuit of this def. and with ſuch condition whereof this def. is utterly ignorant of all which this def. hopeth this hon. Court will have due conſideration for the puniſhing of ſuch lewd and indirect courſes, and actions therein uſed. And without that, that any other matter, thing, or things, clauſe, ſentence, article, or allegation in the ſaid Replication contained materiall or effectuall in the law to be rejoyned unto by this def. and not herein this his rejoynder ſufficiently rejoyned unto, confeſſed, and avoided, denied, or traverſed, is true. All which matters this def. is ready to averre and prove, as this hon. Court ſhall award, and therefore prayeth as he before in his ſaid anſwer hath prayed.

A Bill upon putting one to ſervice with promiſe that the ſervant ſhall ſerve truly, and that the defendant will ſatisfie all dammages, which ſhall happen to the maſter by the ſame ſervant, &c.

Sect. 114. HUmbly complaining, ſheweth unto your hon. Lordſh. C. T. of the towne of M. in the County of N. gentleman, That whereas S. N. daughter of S. A. of the towne of A. in the County of Yorke, about two yeeres now laſt paſt, being deſirous to ſerve your ſaid Orator, and his wife, then dwelling at Rotheram, at an Inne there called the ſigne of the Angel in the ſaid County of Yorke, was entertained into their ſervice, at, and upon the further intreaty of the ſaid S. A. and upon

vpon her faithfull promise vnto your said Orator then given and made, that the said M. her daughter should during the time of her service and abode with your said Orator, honestly, faithfully, and truly behave her selfe, and serve your said Orator and his wife in all lawfull businesse, and that if any losse or prejudice should befal unto your said Orator through either negligence, default, or abuse of the aforesaid M. in any respect, that then the said A. would upon notice to her given in that behalfe by your said Orator of such losse and detriment in that behalfe sustained, satisfie and recompence your said Orator for the same to the uttermost value thereof. By reason whereof your foresaid Orator entertained and received the foresaid M. into his service, as is aforesaid. And thereupon the wife of your said Orator delivered unto the said M. to her only charge and custody many and sundry parcels of plate, linnen, and also other necessary things for your foresaid Orators behalfe. In which said service the said M. remained with your said Orator by the space of one whole yeere then next following. Now so it is, if it may please your said hon. Lordship, during the time of the abode of the foresaid M. in service with your said Orator, as is aforesaid, the foresaid M. did not onely secretly and privily deliver unto the foresaid A. S. her mother, divers of the said parcels of plate, linnen, and other utensils of your said Orators, to the full value of xx. markes, or thereabouts, to and for the use and behalfe of the said A. But also during the said time, converted sundry other parcels of goods and summes of money received of guests that resorted to the said house, appertaining to your said Orator, unto the onely use and benefit of the said M. her selfe. By meanes whereof your said Orator was greatly prejudiced and hindered, to his losse of xx. or xl. li. or thereabouts, upon which occasions your said Orator, was inforced to put the said M. forth of his service. And although your said Orator hath divers and sundry times heretofore notified and made knowne unto the said A. the losse and hinderance by her sustained, as is aforesaid, by and through the negligence, default, and abuse of the said M. as is aforesaid, and hath required recompence and satisfaction for the said goods so delivered and converted to the use of the said A. and M. as is aforesaid, according to the promise of the said A. made to your said Orator upon the entertaining of the said M. into his service, as is aforesaid, yet the said A. the same to do hath heretofore refused and denied, and still doth refuse & deny to do, contrary to her promise and assumption aforesaid, and against all right, equity, & conscience. In consideration whereof, and forasmuch, as your said Orator is not able to make any due proofe, neither of the certaintie or quantitie of the plate, linnen, and other goods so secretly delivered to the said A. by M. during the time of her service, as is aforesaid, or of the said

other goods, converted by the said M. to her owne use, as is aforesaid, nor of the promise made by the said A. unto your said Orator upon the retaining of the said M. into his service, as is aforesaid, by reason the same was in secret betweene themselves, without calling any other to witnesse the same, whereby your said Orator by the strict rule and course of the common lawes of this Realme, hath no ordinary meanes for recoverie of the same, but only by suit before your honourable Lordship in the M. Majesties high Court of Chancerie, by the oaths of the said A. and M. in whose privities all the premisses principally lie, and whom your Orator thinketh upon their oaths will reveale, and manifest the truth and circumstance of the same: the premisses considered, May it therefore please your good L. to grant unto your said Orator the M. Majesties most gracious writ of Sub pœna to be directed to the said A. & M. and either of them, commanding them thereby not onely to appeare before your H. in the Mu. Ma. high Court of Chancerie, at a certaine day, and under a certaine paine therein to be limitted and assessed, then and there to answer to the said premisses, but also to stand to and abide such further order and direction therein, as to your H. wisedome shall bee thought fit and convenient, and your said Orator shall daily pray unto God for the long continuance of your H. in health and prosperity.

The joynt and severall answers of A.S. and M.S. defendants, to the Bill of complaint of C.T. complainant.

Sect. 16. THe said defendants say, and either of them, for himselfe severally, saith, That the said bill of compl. against them exhibited into this honorable court, is very uncertaine, untrue, and insufficient in the law to be answered unto by the said defendants, or either of them, for divers, manifest, & apparant faults and imperfections therein contained, and devised and exhibited into this hon. court of meere malice and envie, only to the intent, not only to vex and trouble the defendants, being very unable and unmeet upon the sudden, with long and tedious journeys to make their personall apparances in this honourable court, being above 120. miles distant from the town of A. in the County of H. where these defendants now dwell, but also to weary these defendants, in such sort as they might extort and wring from these defendants some consideration for the stay of the foresaid suit, be it never so untrue, and without any just cause or colour of cause so to do, nevertheless if these defendants shall by the order of this honourable court be compelled to make any further or other answer to the said uncertaine and insufficient bill of complaint, then the advantage of exception to the manifest incertainty and insufficiencie of the same bill of complaint to these defendants

and

and either of them at all times hereafter ſaved, for anſwer thereunto, and for a manifeſt declaration of the truth, touching the contents of the ſame bill, theſe defendants ſay, and either of them for himſelfe ſeverally ſaith, that about the time mentioned in the ſaid bill of complaint, the ſaid M. St. the other of theſe defendants was entertained to ſerve the ſaid complainant and his wife for the terme of one yeere, next enſuing the time of ſuch her retainer, for xvl. s. wages for the ſame yeere without the knowledge of the ſaid A. St. the other of theſe def. untill that ſhee the ſaid M. was ſo with them retained. And theſe defendants further ſay, that by vertue of the ſame retainer, the ſaid M. did honeſtly, faithfully, and truly behave her ſelfe, and did ſerve the ſaid compl. and his ſaid wife in all lawfull buſineſſe accordingly, during all the ſaid yeere, and that to her knowledge no loſſe nor prejudice did befall unto the ſaid compl. through the negligence, default, or abuſe of the ſaid M. in any reſpect during the ſame yeere. And that in the end thereof ſhe departed from them with their favour and good will, at her owne requeſt, without that, that ſhee the ſaid M. was entertained in their ſaid ſervice, at and upon the entreaty of the ſaid A. S. and upon her faithfull promiſe unto the ſaid compl. then given and made, that the ſaid M. her ſaid daughter ſhould during the time of her ſervice and abode with the ſaid compl. honeſtly, faithfully, and truly behave herſelfe, ſerving him and his ſaid wife in all lawfull buſineſſes, and that if any loſſe or prejudice ſhould befall unto the ſaid complainant through the negligence or abuſe of her the ſaid M. in any reſpect, that then ſhe the ſaid A. St. upon notice to her given by the ſaid complainant, of ſuch loſſe and detriment, in that behalfe ſuſtained, would ſatiſfie and recompence the ſaid complainant for the ſame to the uttermoſt value thereof, or that by reaſon thereof the ſame complainant entertained and received M. in his ſaid ſervice, as in the ſaid bill is untruly alledged. And the ſaid defendants further ſay, that albeit ſhee the ſaid A. S. hath made unto the ſaid complainant any ſuch promiſe as he in his bill of complaint ſuppoſeth (as in very truth ſhee did not) yet were the ſame promiſes void in law, and of no validitie or force to binde her thereby, for that the ſaid A. at the time of the ſaid ſurmiſed promiſe was covert with J. S. her husband. And without that, that upon ſuch promiſe the ſaid wife of the ſaid complainant delivered unto the ſaid M. to her charge and cuſtodie many parcels of linnen, and other neceſſary things and furniture for the ſaid complainant in his behalfe in any other manner then as to every other ordinary ſervant in the ſame houſe in the like caſe, without taking upon her any ſpeciall charge for the keeping thereof, as in the ſaid bill of complaint it is very untruly alledged, and without that, that during the ſame time of the ſaid abode of her the

ſaid M. in ſervice with the ſaid compl. as aforeſaid, the ſaid M. did either ſecretly deliver unto the ſaid A. S. her ſaid mother divers or any of the ſaid parcels of plate, linnen, and other goods, for the uſe and behoofe of the ſaid A. S. or during the ſaid terme converted ſundry or any other parcels of goods, and ſums of money received of gueſts that reſorted to the ſaid houſe appertaining to the ſaid compl. unto the uſe and benefit of the ſaid M. her ſelfe, by meanes whereof the ſaid compl. was greatly prejudiced and hindred to the loſſe of 30. or 40. li. or thereabouts. or that upon ſuch occaſions the ſaid complainant was enforced to put the ſaid M. from his ſervice, for that the ſaid complainant hath divers and ſundry times heretofore notified and made known unto the ſaid A. the loſſe and hurt he ſuſtained, as is aforeſaid, by, and through the negligence, default and abuſe of the ſaid M. as is aforeſaid, and required recompence and ſatisfaction for the ſaid goods ſo ſuppoſed to be delivered, and converted to the uſe of the ſaid A. and M. as is aforeſaid, as in the ſaid bill of complaint is moſt untruly alledged. And without that, that any other matter, thing or things, clauſe, ſentence, article, or allegation in the ſaid bill of complaint contained, materiall or effectuall in the law to be anſwered unto by theſe def. or either of them, and not herein in their anſwer ſufficiently anſwered unto, confeſſed, and avoyded, denied, or traverſed, is true: all which matters theſe def. and either of them are ready to averre and prove as this H. Court ſhall award, and therefore they pray to be diſmiſſed out of the ſame Court with their reaſonable coſts and charges in this behalfe wrongfully and without cauſe ſuſtained.

The Replication to the ſame Anſwer.

Sect. 116. THe ſaid comp. ſaving to himſelfe all advantages of exception to the incertainties and inſufficiencie of the ſaid defendants anſwers, for Replication ſaith as he before by his ſaid bill hath ſaid. And doth and will averre, juſtifie, and maintaine his ſaid bill, and all and every thing and things therein contained to be good, juſt, and true, in ſuch ſort, manner and forme as in and by the ſame is moſt truly ſet forth and declared. And that the anſwers of the ſaid defendants are uncertaine, untrue, and inſufficient in the law to bee replied unto for divers untruths and imperfections therein contained, without that, that the ſaid M. one of the ſaid defendants did honeſtly, faithfully, and truly behave her ſelfe in the ſervice of the ſaid complainant, as by the ſame defendant in their ſaid anſwers is untruly alledged, for this ſaid complainant ſaith, as hee before by his ſaid bill hath ſaid, that the ſaid M. one of the ſaid defendants, did ſecretly deliver to the ſaid A. the other defendant, divers parcels of the goods of the ſaid complainant, that

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the said defendants most wrongfully detaine and withhold from him the said compl. against right and equity, and further the said compl. saith and will averre and prove, that the said A. one of the said def. did give her faithfull promise to satisfie and pay unto the said compl. the uttermost value of every losse or hinderance the said compl. should sustaine by by the said M. as by his bill is most untruly set forth and declared, without that, that any other matter or thing in the said defendants answer contained materiall or effectuall, to be replied unto, and hereby not sufficiently replied unto, is true. All which matters the said complainant is ready to averre and prove, as this honourable court shall award, and prayeth as he before by his said bill hath prayed.

A Bill for entring into and detaining copihold lands sold to the defendant to the Plaintifes Grandfather, which descended to the Plaintife, being an infant, the said entrie being made, by reason that the copie and court-roll of the said bargaine came to the Defendants hands.

HUmbly complaining, sheweth unto your honorable L. your daily Orator F. H. of W. in the County of York gentleman, That whereas about the xviii. day of Septemb. in the third yeere of the raigne of the late King of famous memory Edward the vi. one Christopher Barter late of F. in the said County husbandman, was lawfully and rightfully seised in his demesne as of fee, as a copiholder, according to the custome of the manor of the Prebend of Laghton, in the said County, of & in one customary messuage or tenement, and one Organg of land, with the appurtenances in F. aforesaid: and in another messuage or tenement, and 30. acres and a halfe of land with the appurtenances in F. aforesaid, and he being thereof so seised about the time aforesaid for a certaine great summe of money to him pated by F. H. of W. aforesaid Grandfather of your said Orator, did surrender according to the custome of the said manor, the said customary tenements and premisses, with the appurtenances, into the hands of the then Lord of the said manor, to the use of the said F. H. the Grandfather and his heires for ever: by force whereof the said F. H. the Grandfather was thereof admitted tenant accordingly, and was of the same as a copiholder lawfully seised in his demesne as of fee, by, and according to the custome of the said manor and the rents, issues, and profits thereof arising and growing, did likewise lawfully take and convert to his owne use, by the space of divers yeeres, and afterwards the said F. H. the Grandfather being thereof so seised of the said tenements and premisses, died thereof so seised, about the second yeere of the raigne of the Queenes most excellent Majestie that now is. By, and after whose death the said tene- Sect. 117.

ments and premisses discended and came, and of right ought to discend and come to your said Orator, being then of very yong and tender yeers, viz. about the age of six yeeres, as next cosin and next heire unto the said F. H. the grandfather, that is to say, son of T. H. son and heire of the said F. H. the grandfather: but now so it is, if it may please your good L. that after the death of the said F. H. the grandfather, all the copies of Court rols of the said manor, and the very Court rols themselves concerning the premisses, did by casuall meanes come unto the hands, custody, and possession of the said C. B. and one T. G. of T. in the said County husbandman, or to the hands of one of them, which they or the one of them have cancelled and defaced, intending thereby utterly to disinherit your said Orator of any of the same tenements, and premisses, and by colour thereof, shortly after the death of the said F. H. the grandfather, the said C. B. did wrongfully abate & enter into the said tenements, and premisses. And ever since his said wrongfull entrie, viz. by the space of xviii. yeeres, or thereabouts, hath wrongfully occupied the premisses, or the most part thereof, and received, taken, and converted to his own use, the rents, issues, and profits of the said tenements and premisses, and will not by any meanes permit or suffer your said Orator to enter, meddle, or have to do therewith. And notwithstanding that your said Orator, not only by himself, but also by his friends, hath in gentle and quiet manner divers times come unto the said C. and T. gently requiring them to deliver unto him your said Orator, the said copies of Court rols, and to make reasonable recompence & satisfaction unto him your said Orator for the rents, issues, and profits of the said tenements and premisses, so as is aforesaid by the said C. wrongfully received according to your said Orator his good right and title thereunto, yet that to do they and either of them have ever hitherto refused and denied, and yet do refuse and deny to do the same, against all right, equity, and good conscience, and to the disinherison of your said Orator of and in the premisses, and to his great losse and hinderance, if speedy remedy be not by your good L. in this H. Court speedily provided to prevent the same. In tender consideration whereof, and for so much as your said Orator not knowing the certaine number, dates, or contents of the said copies and Court rols, nor wherin they or any of them be contained, in bag, box, or chest, locked, sealed, or open is therefore without all remedy, by the due course of the common lawes of this Realme, to recover the same, and for lack thereof your said Orator is very like to lose the said tenements and premisses, and for that also that the contents of the said bargaine, and surrender of the said tenements and premisses, so as is aforesaid, made between the said F. H. grandfather and the said C. B. cannot now otherwise be proved, then by answer of the said C. B. and T. G. made upon their oaths in this

honourable

honourable court, all ſuch perſons as were witneſſes of the ſame bargaine, being now either dead, or elſe utterly unknowne unto your ſaid Orator, being ſo yong, as it is aforeſaid, at the time of the making of the ſame. May it pleaſe your honorable Lo. to grant unto your ſaid Orator the Q. Majeſties moſt gracious writ of Sub pœna, to be directed unto the ſaid C. and T. ſtraightly commanding them and either of them at a certaine day, and under a certaine paine therein to be limitted, to appeare before your L. in her Majeſties high court of Chancery, then and there to anſwer to the premiſſes, and to abide ſuch order and direction therein, as to your L. ſhall ſeeme to ſtand with right, equity, and good conſcience, and your ſaid Orator ſhall daily pray to Almighty God for your honour in good health long to continue, &c.

A Bill by the husband and wife, as Guardians to her child for evidences.

IN moſt humble wiſe complaining, ſheweth unto your good Lordſhip, your poore and daily Orator J. W. of B. in the County of D. yeoman, and J. his wife, late the wife of J. S. the elder of B. aforeſaid yeoman now deceaſed. That whereas the ſaid J. S. in his life time was lawfully ſeiſed in his demeſne, as of fee, of, and in one meſſuage or tenement commonly called H. and of, and in certain lands, meadow, and paſture, and other hereditaments, with the appurtenances, to the ſaid tenement belonging, and with the ſame uſually occupied, ſcituate, lying, and being in B. aforeſaid. And he the ſaid J. S. being of the premiſſes ſo ſeiſed, did in his life time convey and aſſure the ſame unto certaine perſons, and their heires, to the uſe of the ſaid J. and of the ſaid J. then his wife, and of the longer liver of them, without impeachment of waſte. And after their deceaſes, to the uſe of the heires of their two bodies lawfully begotten, with divers remainders over, by force whereof the ſaid J. S. and the ſaid J. then his wife, were thereof ſeiſed accordingly. And ſo ſeiſed, the ſaid J. S. about three yeeres now laſt paſt, died ſeiſed of ſuch eſtate, as aforeſaid, having iſſue betweene him and the ſaid J. one J. S. an infant of the age of two yeeres, or thereabouts. After whoſe death the ſaid J. held her ſelfe in the ſaid meſſuages, and lands, and was thereof ſeiſed accordingly. And ſo ſeiſed, tooke to husband the ſaid J. W. the other of your ſaid Orators, by force of which entermarriage the ſaid J. W. and the ſaid J. were lawfully ſeiſed of the premiſſes, as in the right of the ſaid J. And your ſaid Orators have alſo the cuſtody of the ſaid J. S. the infant, rightly belonging to the ſaid J. his mother as Guardian in Socage. Now ſo it is, if it may pleaſe your good Lordſhip, that certaine deeds, evidences, and writings, touching and concerning the premiſſes, and of right belonging to your ſaid Sect. 118.

Orators, and the said infant, or to the one of them, are casually come to the hands and possessions of T. C. of B. aforesaid, and J. S. of H. being kinsman unto the said J. S. of B. the elder deceased, who by colour of having the said deeds, evidences, and writings, have wrongfully entred into the premisses with the appurtenances, and thereupon have contrived certaine secret estates unto divers persons unknown to your said Orators, and by colour thereof, they the said T. C. and J. S. of H. or the one of them of late time hath wrongfully entred into the premisses, and hath received and taken the issues and profits of the premisses of some part thereof from your said Orators, and although your said Orators have divers and sundry times gently requested the said T. C. and J. S. of H. to permit and suffer your said Orators quietly to have and enjoy the same premisses, and to deliver unto your said Orators the said deeds, evidences, and writings, touching and concerning the premisses, and which of right do belong and appertaine unto your said Orators, and to the said J. S. the infant, yet they the same to do have hitherto refused, and yet do refuse, contrary to all right, equity, and good conscience, which is likely to turne, not onely to the losse and hinderance of your said Orators: but also to the prejudice & disinheritance of the said infant, if speedy redresse herein be not had by your good Lo. In consideration whereof, and forasmuch as your said Orators do not know the certainty nor certaine number of the said deeds, evidences, writings, nor whether the same be contained in bagge or box, sealed, or in chest locked, and so your Orators and the said infant are without any ordinary remedy for the recovery of the same by the common lawes of this Realme. And for that your said Orators do hope, that the same C. and S. will upon their oaths in this honourable Court, confesse the certainty and truth therein, where the said evidences are to be had, or to whom they have delivered the same: May it therefore please your good L. the premisses considered, to grant unto your said Orators the Queens Majesties, &c.

The Answer of the same.

Sect. 119. THe said defendants say, and every of them severally saith, that the said bill of complaint is very uncertaine, untrue, and insufficient in the law, to bee answered unto for divers manifest defaults and imperfections therein contained and framed, and exhibited into this honourable Court, as these defendants verily think of malice and evill will, to the intent to put these defendants to great travell, charges, and expences, to make their personall appearance in this honourable Court, the said defendants dwelling in B. aforesaid, in the said County of D. which is 120. miles distant from the City of Westminster, and without

without any juſt cauſe ſo to do, and theſe defendants further ſay, that if the ſurmiſed matters contained in the ſaid bill of complaint were true, as in very truth they are not, yet were the ſame determinable: and to be determined by the common lawes of this Realme, and not in this honourable Court, whereunto theſe def. pray to be diſmiſſed with their reaſonable coſts, charges, and dammages in this behalfe wrongfully and without juſt cauſe ſuſtained, yet nevertheleſſe, if theſe def. ſhall bee compelled by the order of this Court, to make any further or other anſwer unto the ſaid uncertaine and inſufficient bill of complaint, then the advantage of exception to the incertaintie and inſufficiencie thereof to theſe defendants and either of them at all times hereafter ſaved, for further anſwer thereunto, and for a full and plaine declaration of the truth, ſay, that they think it is true, that the ſaid J. S. was in his life time lawfully ſeiſed in his demeſne as of fee, of, and in the ſaid meſſuage or tenements commonly called the H. and of, and in certaine lands, meadow, and paſture, and other hereditaments with the appurtenances to the ſaid tenements belonging, and with the ſame uſually occupied, ſcituate, lying, and being in B. aforeſaid, as in the ſaid bill of complaint is alledged, but the ſaid defendants further ſay, that the ſaid tenements in the ſaid bill of complaint contained, as they verily beleeve, are holden of the right hon. G. Earle of S. of his manor of C. in the ſaid County of D. by Knights ſervice, and by the yeerely rents of two ſhillings. And that he being thereof ſo ſeiſed, and the ſaid Earle being alſo ſeiſed in fee, of the ſaid manor, as theſe defendants thinke, died thereof ſo ſeiſed, by, and after whoſe death the ſaid tenements and premiſſes in the ſaid bill mentioned, deſcended and came to the ſaid J. S. the ſonne, as ſonne and heire of the ſaid J. S. deceaſed, who is yet within the age of one and twenty yeeres, by meanes whereof the ſaid Earle after the death of the ſaid J. S. the father, as guardian of the ſaid J. S. infant, during his minority by reaſon of the tenure aforeſaid, ſeiſed the body of the ſaid J. S. the infant, without that, that to the ſaid defendants knowledge, the ſaid J. S. the father being of the premiſſes ſeiſed in fee, did in his life time convey and aſſure the ſame premiſſes unto certaine perſons and their heires, to the uſe of the ſaid J. S. and of the ſaid J. then his wife, and of the longer liver of either of them, without impeachment of waſte, and after their deceaſe to the uſe of the heires of their two bodies lawfully begotten, with others remainders over, as in the ſaid bill of complaint is untruly alledged, or that to theſe defendants knowledge, by force thereof the ſaid J. S. and the ſaid J. S. then his wife being thereof ſo ſeiſed, died thereof ſo ſeiſed, or that to theſe defend. knowledge, after his death the ſaid J. held her ſelfe in the ſaid meſſuages, lands, and premiſſes, and was thereof

thereof ſo ſeiſed accordingly by force of any ſuch conveyance, or that the being thereof ſo ſeiſed, took to husband the ſaid I. W. or that by force of the ſaid entermarriage the ſaid I. W. and the ſaid I. to the knowledge of theſe defendants, were ſo lawfully ſeiſed of the ſaid premiſſes, in the right of the ſaid I. as in the ſaid bill is alledged. And without that, that to theſe defendants knowledge the ſaid I. W. and I. have the cuſtody of the ſaid I. S. the infant rightfully belonging to the ſaid I. as Guardian in Socage, as in the ſaid bill is likewiſe alledged. And without that, that any deeds, evidences, and writings, touching and concerning the premiſſes, and of right belonging to the ſaid infant, or to one of them, are caſually come to the hands, cuſtody, and poſſeſſion of the ſaid defendant, other then ſuch Deeds, evidences, and writings, as the ſaid I. did deliver unto the ſaid T. S. the one of theſe defendants which he the ſaid T. about one yeere now laſt paſt, or more, upon the receipt of the Queenes Majeſties writ of Sub pœna delivered to I. L. late of H. Hall in the County of D. Gentleman, to the uſe of the ſaid infant, which as he remembreth was done by appointment or agreement of the ſaid I. And other then another old deed or writting without date, containing theſe words following, or the very like in effect and meaning, viz.

Sciant præſentes & futur' q ego Joh. filius Tho. de B. dedi conceſſ. & hac præſenti charta mea confirmavi Duranto de Toxwood pro homag', & ſervitio ſuo, & pro quadam pecuniæ ſumma mihi præ manib' ſoluta, totã terram meam quæ vocatur le Haule Cliffe in territoriis de B. cum boſcis, pratis, paſcuis, paſturis, & omnibus ſuis pertineñ, ſine aliquo retento, que jacet integrè in latitud' inter viam quæ ducit verſus terrã quam L. de L. quondã tenuit, & extendit ſe in longitudin de meta de B. uſq; ad terrã Abat̃ de R. & terram quæ fuit A. F. & terrã R. de le Scagh, una cum tota illa tra cum domib' & ædificiis in ea ſitis, cum omnibus ſuis ptiñ, quã R. de T. quondam tenuit, quæ jacet integrè inter terras, &c. and without that, that any other matters, &c.

A Bill to be diſcharged of a Recogniſance for the ſaving of lands ſold harmleſſe, for that a leaſe made thereof by which he ſeemeth to be damnified, was either made in truſt or by ſurrender, before the ſaid bargaine, with an anſwer, replication, and rejoynder to the ſame Bill.

Sect. 120. COmplaining, ſheweth unto your hon. Lordſhip, George Earle of Shrowsbury, that whereas Sir W. S. knight Lord M. deceaſed, in his life time, about nine yeeres now paſt, was lawfully ſeiſed of an eſtate of inheritance amongſt other lands and tenements, of the third part

part of the ſcite and manſion houſe of the late diſſolved Abbey, Monaſterie or Priorie of B. in the County of L. and of all & ſingular meſſuages, houſes, edifices, buildings, orchards, gardens, fiſhings, ponds, lands, tenements, meadowes, paſtures, commons, and hereditaments, with the appurtenances to the ſaid ſcite belonging, then or late in the occupation of F. S. and afterward in the occupation of one M. and the ſaid L. M. being thereof ſo ſeiſed about the 16. day of Dec. in the 7. yeere of the raigne of our ſoveraigne Lady the M. Majeſtie that now is, of ſpeciall and ſecret truſt and confidence by him the ſaid Lo. M. repoſed in one W. S. of M. in the County of S. gentleman, and M. his wife, or of one of them, did make an Indenture bearing date the 16. day of Sep. in the ſaid vii. yeere of a demiſe of the ſaid third part of the ſaid ſcite, lands, tenements, and hereditaments, with the appurtenances to the ſaid W. S. and M. his wife, to have and to hold the ſame unto the ſaid W. S. and M. from the deceaſe of R. T. of S. for and during the terme of xxi. yeeres then next inſuing, as by the ſaid Indenture appeareth. And delivered the ſaid Indenture to be delivered as his Deed, when the ſaid W. S. had performed certaine conditions and agreements betweene them made, upon which Indentures made by them, it was never intended nor agreed, that the ſaid W. S. and M. his wife, or their executors or aſſignes, or any of them, ſhould take any benefit to them: but that the ſame leaſe ſhould be ſurrendred, and at all times diſpoſed at the pleaſure of the ſaid Lo. M. by force whereof the ſaid W. S. and M. were poſſeſſed of the intereſt of the ſaid terme accordingly, and being thereof ſo poſſeſſed, And the ſaid Lo. M. being ſeiſed of the ſaid R. of the third part of theſe tenements and premiſſes of an eſtate of inheritance, afterwards, that is to ſay the 18. day of May, in the xii. yeere of the raigne of our ſaid ſoveraigne Lady, the ſaid Lo. M. by Indenture bearing date the ſaid day and yeere, did bargain and ſell the ſaid third part of the ſaid premiſſes among other things to one J. C. of C. in the County of S. Eſquire, and F. S. of S. in the ſaid County Gentleman, and their heires for ever, by which laſt recited Indenture, the ſaid Lord M. for him and his heires did covenant and grant, to and with the ſaid J. C. and F. S. and either of them, that as well the ſaid J. C. and F. S. their heires, and aſſignes, as all the ſaid manors and tenements, by the ſaid Indenture to them bargained and ſold, at the inſealing and delivery of the ſame Indentures, were diſcharged, exonerated, or ſaved harmeleſſe, and from thenceforth at all times, and from time to time hereafter for ever, ſhould be diſcharged, exonerated, acquited, or ſaved harmeleſſe by the ſaid W. Lord M. his heires, executors, and adminiſtrators of and from all and ſingular gifts, Grants, Leaſes, charges, and incumbrances, had, made, granted, or ſuffered in, or to the premiſſes,

or

or any part or parcell thereof, by the said Lord M. or by any other person or persons whatsoever, other then the said estate of the said L. S. late Duchesse of S. and certaine other things, in, and by the said Indenture excepted, as by the said Indenture appeareth For performance of which covenant of the said Indenture, the said Lo. M. Eagle, the second day of June in the said xli. yeere, became bounden unto the said J. C. and unto one M. S. of J. L. in the County of B. Esquire, by recognisance knowledged in this high Court of Chancery in the summe of two thousand pounds, as thereby appeareth. And shortly afterwards, that is to say, about six yeeres now last past, the said L. late D. of S. died, and the said J. C. and F. S. entred into the manors, tenements, and premisses with the appurtenances, and were, and yet be thereof seised in their demesnes as of fee, by force of the said conveyance, and the profits thereof arising and comming to their owne use tooke, and yet do quietly so take the same without any interruption, let, or trouble of the said W. S. and M. his wife, and their assignes, and every other person or persons, according to the covenant, true intent, and meaning of the said Indenture of bargaine and sale. And afterwards that is to say, about five yeeres now last past, the said Lord M. for the summe of six thousand pounds, or thereabouts, did bargaine and sell to the said Earle and his heires, the manor of B. in the County of Y. and divers other lands and tenements in B. and other places in the said County, by force whereof the said Earle was thereof lawfully seised in his demesne as of fee, and the issues and profits therof arising and growing, did quietly take and convert to his owne use, from the time of the bargaine, during all the life time of the said Lord M. and W. S. which was by the space of three yeeres after the death of the said Duchesse or thereabouts. And afterwards that is to say, about five yeeres last past, the said M. died, since whose death the said J. C. M. S. F. S. T. H. D. W. M. and J. T. and the said M. late wife of the said W. S. and executrix or administratrix of the said Will, as the said Earle is informed, by the agreement and privitie of Ed. Lo. Morley, and the Lady Elizabeth his wife, daughter and heire of the said Lord Mount-Eagle, having gotten into their hands the said Indenture of demise, albeit that the said T. performed not the conditions and covenants betweene him the said Lord M. amongst themselves, did conceale and frustrate the said trust reposed by the said Lord M. in the said W. S. and M. or the one of them, to the intent to extend the said Recognisance of two thousand pounds, upon the said manor of B. And such other lands and tenements as the said Earle hath purchased of the said Lord M. contrary to the good meaning of the said Lord M. contrary to the great trust and confidence by him reposed

in

in the ſaid W. S. and M. his wife, and the true meaning of the ſaid Indenture of leaſe. And for that purpoſe have procured the ſaid eſtate and intereſt of the ſaid W. S. and M. of the third part to bee conveyed to the ſaid M. to the intent that the ſaid W. M. ſhould enter into the ſaid third part ſo leaſed, as is aforeſaid, to diſturb the poſſeſſion of the ſaid C. and F. S. which he hath done accordingly, to the intent that thereby the ſaid J. C. and M. S. might have ſome colour to extend the ſaid Recogniſance of 2000. li. againſt the ſaid Earle, notwithſtanding that the ſaid J. C. and F. S. ever ſince the entrie of the ſaid M. have quietly occupied the ſaid demiſed third part, and yet do quietly occupie the ſame, not having had any damage thereby to the value of twelve pence by reaſon of the ſaid leaſe. All which notwithſtanding, if it may pleaſe your good Lo. the ſaid M. S. F. S. and J. C. have procured execution of the ſaid Recogniſance of 2000. li. to be ſued againſt the ſaid Earle by Proceſſe out of this honourable Court, according to the forme and effect of the ſaid Recogniſance, for that as they ſuppoſe, the ſaid third part is charged with the ſaid leaſe thereof made to the ſaid S. and his wife, and aſſigned by the ſaid S. to the ſaid W. M. who by force thereof hath entred into the ſaid third part, and diſturbed the poſſeſſion of the ſaid J. C. and F. S. and their aſſignes: And for that by means thereof the ſaid manors, lands, and tenements to them bargained and ſold by the ſaid Lord M. in forme aforeſaid, were not ſaved harmeleſſe by the ſaid Lo. M. or his heires, of, and from all and ſingular leaſes had, made, or granted of the ſaid manor and other the premiſſes mentioned in the ſaid Indenture of bargaine and ſale, according to the forme and effect thereof, which ſaid practiſe and compact is much againſt the ſaid truſt and meaning of the ſaid Lo. M. repoſed in the ſaid W. S. and M. his wife, and againſt the true meaning of the ſaid Indenture and Recogniſance, tending to the great loſſe and damage of the ſaid Earle, and againſt all right, equity, and good conſcience, if the ſaid purpoſe ſhould not by equity and conſideration of this honourable Court be prevented and met withall: In conſideration whereof, and for ſo much as, aſwell the ſaid truſt touching the ſaid leaſe, as the ſaid compact and agreement amongſt the ſaid parties to extend the ſaid Earle his ſaid lands by reaſon of the ſaid Recogniſance by matters ſecretly agreed upon amongſt themſelves, the ſaid Earle not knowing any witneſſes which were preſent at the making thereof, ſo that the ſaid Earle can very hardly make ſuch proofe in this hon. Court thereof, or of the ſaid conditionall delivery of the ſaid Indenture, as is neceſſary in that behalfe, unleſſe the ſaid parties or ſome of them will confeſſe the ſame in their anſwers upon their oathes in this honourable Court, as the ſaid Earle verily thinketh they will. And foraſmuch alſo as it is very

likely

likely, that the said L. M. would never have entred into the said Recognisance of 2000. li. for the performance of the said covenants of the said Indenture of bargaine and sale, without making exception therein of the said lease, if the said lease of the said third part before the making of the said Indenture of bargaine and conveyance, had not been so delivered of credit and of trust frustrated or granted over to the said W. M. or some other by the consent and agreement of the said I. C. and F. S. for their benefit, for the avoiding of new charges growing betwern the making of the said lease and the said bargaine. And albeit as well the other two parts of the said lands, as all other lands and tenements, with the appurtenances, bargained and and sold by the said Indenture, were and be clearly discharged of all incumbrances, according to the true meaning of the said Indenture, it may therefore please your good L. the premisses considered, to grant unto the said Earle the M. Majesties most gracious writ of Sub pœna to be directed unto the said I. C. M. S. E. L. M. and E. his wife C. D. W. M. I. L. and M. commanding them and every of them, at a certaine day and place, and under a certaine paine therein to be limitted, to be and personally to appeare before your good L. in the M. Majesties high Court of Chancery, then and there to answer unto the premisses, and to abide such further order and direction therein, as to your hon. shall seeme to stand with right, equity, and good conscience. And the said Earle, &c.

A Bill for that the defendant by meanes of entermarriage with the wife and executrix of one, who by casuall meanes got the possession of one deede of demise indented made unto the plaintife, detaineth the said demise, and by colour thereof doth occupie the tenements demised, and taketh the profits to his owne use.

Sect. 116. IN most humble wise complaining, sheweth unto your good L. your daily Orator I. M. of B. in the County of N. That whereas one T. C. of D. within the County of Y. did by his deede indented of demise about the 15. yeere of the raigne of our Soveraigne Lady the M. Majestie that now is, demise and grant to your said Orator, ten acres of land, five acres of meadow, and five acres of pasture with the appurtenances, lying and being in B. aforesaid: To have and to hold to your said Orator and his assignes, for the terme of 21. yeeres from and after a certaine day therein expressed, if the said T. C. should so long live, for the yeerely rent of twenty shillings, payable at the feast of Y. and Saint M. the Bishop in winter, by even portions. But now so it is, if it may please your good Lordship, that the said Indenture, the certaine date or contents whereof, your said Lordships Ora-

tor

for knoweth not, before the day when the said lease should begin and take effect, did by casuall meanes come to the hands, custody, and possession of one I. W. who made his Will and Testament, and therein appointed E. then his wife, his sole executrix, and died, by and after whose death the said Indenture came into the hands and custody of the said E. since which time the said E. did marry, and took to husband one R. I. of B. by reason of which intermarriage the said Indenture is now come to, and remaineth in the hands, custody, and possession of the said R. I. and E. his wife, or of the one of them, who by reason of having the said Indenture, without any iust title or interest therein, have entred into the said premisses with the appurtenances, and will not in any wise quietly permit and suffer your L. said Orator to have and enjoy his said term, of, and in the premisses, according to his lawfull right and interest therein, but contrary to all equity and good conscience, have ever since taken and converted, and as yet do daily take and convert the issues to their owne proper use and behoofe, and will neither deliver unto your Lo. said Orator the said Indenture, nor permit and suffer him to have and peaceably enjoy the said premisses, as aforesaid, or any part thereof although your said Orator hath at divers and sundry times required them so to do. In consideration whereof, and forasmuch as your L. said Orator is without all help and remedy at the common law, for that he knoweth not, nor remembreth the dates or contents, or any other certainty of the said Indenture: May it please your good Lo. to grant her Majesties gracious writ of Sub pœna, to be directed to the said R. I. and E. his wife, and to either of them, commanding them and either of them thereby, personally to appeare before your honour in her Majesties high court of Chancery at W. at a certaine day, and under a certaine paine by your honour therein to be limited, there, &c.

A Bill against an Infant for boording, and apparell delivered to him by the Plaintife, and for not performing of a Lease.

[To most humble wise complaining, sheweth unto your honourable Lordsh. your daily Orator T. T. of B. in the County of D. husbandman: That whereas about foure yeeres now last past, one G. G. of B. aforesaid yeoman, being seised in his demesne as of fee, of, and in divers lands, tenements, and hereditaments, with their appurtenances in B. aforesaid, holden in Socage of I. S. as of the manor of D. which said tenements and premisses the said G. B. had by descent, by and after the death of B. his late father, and the said G. B. being thereof so seised, and being of the age of xx. yeeres, or thereabouts, and under the age of xxi. yeeres, about the xxv. day of July, which was in the Sect 122.

the thirtieth yeere of the raigne of the M u. most excellent Maiestie that now is, by meanes, councell, procurement, and perswasion of divers evill disposed persons (that is to say) one A. E. I. S. W. Y. T. C. H. N. H. W. H. and D. M. intending by their ungodly compact and practise, to make a prey of the simplicitie of your said Orator being an ignorant unlearned man, the said G. B. came unto your said Orator, pretending that he did then beare great good will and favour to your said Orator, and therefore intreated your said Orator that hee might board and remaine with your said Orator in his house of B. aforesaid, and not only have meat, drink, and lodging, but also such apparel and rayment as your said Orator should think meet and convenient for his degree and calling, at the costs and charges of your said Orator, promising faithfully and fully to satisfie your said Orator for all such charges and expences as he by reason of the premisses should in any wise sustaine. Wherefore your said Orator giving credit unto the said G. B. in the premisses, and thinking that that he had faithfully promised he would fully & effectually have performed, did then fully consent and agree, to and with the said G. B. to finde him meat, drink, lodging, and apparell, as is aforesaid, for the consideration promised as is aforesaid: by pretence wherof, the said G. B. about the same time came to the said house of your said Orator, & remained there with your said Orator untill about the second day of Feb. then next following, during all which time your said Orator at his owne proper costs and charges, did provide and find for, and unto the said G. B. all manner of necessary meat, drink, lodging, apparell, and all other things necessary for him. About which second of Feb. the said G. B. pretending to continue in his said favour and good will towards your said Orator, by the like councell, meanes, and perswasion of the said evill disposed persons, and by their compact and agreement, did demise and lease unto your said Orator, all, or the most part of all the said messuages, tenements, and premisses, that he the said G. B. so had, as is aforesaid, by discent from his said father. To have and to hold the said tenements and premisses, with the appurtenances, to him and his executors and assignes, from the feast of the Annunciation of the blessed virgin Mary then next ensuing, unto the end and terme of three yeeres then next insuing, your said Orator and his assignes yeelding and paying therefore at the end and expiration of the said terme of three yeeres xx. li. of lawfull English money. And also finding unto the said G. B. during the said terme of three yeeres convenient lodging, meat, drinke, apparell, and also keeping for the said G. B. twenty sheep, by reason of which demise, your said Orator about the said Feast of the Annunciation of the blessed virgin Mary, did enter into the said demised messuages, tenements, and premisses, and occupied the same messuages, tenements,

nements, and premiſſes, by the ſpace of 2. yeeres or thereabouts, and during the ſame time, did at his owne coſts and charges prouide and find vnto the ſaid G. B. conuenient meat, drink, lodging, and apparell, and alſo his 20. ſheep, according to the ſaid agreement, and beſides thoſe 20. fortie ſheep more at the leaſt, to the charges of your ſaid Orator, of one hundred markes at the leaſt. But now ſo it is, if it may pleaſe your honourable Lordſhip to underſtand, that about the firſt day of March, which was in the 32. yeere of our ſoueraigne Lady the Qu. Maieſties raigne that now is, your ſaid Orator hauing then tuned into the barnes of the ſaid tenements and premiſſes fortie loads of hay, or thereabouts, part thereof did growe vpon the ſaid tenements and premiſſes, but the moſt part therof was brought from other places, and hauing alſo manured the ſaid grounds to his exceeding great coſts and charges, the ſaid G. B. being then of full age, by the like perſwaſion and procurement of the perſons aboueſaid, did enter into the ſaid demiſed tenements and premiſſes, whereof your ſaid Orator was then quietly poſſeſſed, as hee then found the ſame. And he together with the ſaid A. E. I. P. W. N. C. H. P. N. H. W. and H. G. did take away and conuert to their owne vſes, the moſt part of ſaid lx. loads of hay, or thereabouts, to the value of xx. marks at the leaſt. By meanes whereof your ſaid Orator hauing againſt the winter before prouided great ſtore of beaſts and cattell for to haue eaten the ſaid hay for the ſuſtenance of them, he was inforced to buy, and did buy a great quantity of hay at an exceſſiue price, or elſe to haue famiſhed the moſt of his ſaid beaſts for want of fodder, which was to the great loſſe and damage of your ſaid Orator: Neuertheleſſe the ſaid G. B. by the like councell and perſwaſion of the ſaid euill diſpoſed perſons, albeit he hath beene ſundry times gently required by your ſaid Orator to make vnto him ſome reaſonable recompence and ſatisfaction for the loſſe of his ſaid terme, and his other dammages, and for ſuch coſts and charges as he had beſtowed for the manuring, and bettering of the ſaid grounds ſo to him demiſed, and for ſuch coſts and charges as he your ſaid Orator did ſuſtain and beare for and by reaſon of the keeping and maintaining of him the ſaid G. B. as is afore-ſaid, which parcell, meat, drink, and lodging hee vtterly denyeth and refuſeth to yeeld vnto him any manner of ſatisfaction or recompence for the ſame, or part thereof, alledging, That at the time of the making of the ſaid ſeuerall contracts he was within the age of xxi. yeeres, and therefore, and for the incertainty, ſome of the ſaid contracts bee meerely void in law. And not ſo contented, doth yet by the like counſell and perſwaſion of the ſaid euill diſpoſed perſons, ſue your poore Orator for the occupation and vſe of the ſaid grounds, and for the profits and commodities thereof during the foreſaid terme. Notwithſtanding

that he himſelfe and his ſaid confederates did ſo as aforeſaid, unlawfully take away your Orators ſaid hay, being of farre more value then the profits which he ever received, for, or by the grounds ſo to him demiſed, did amount unto, againſt all right, equity, and good conſcience. In tender conſideration whereof, and for ſo much as your ſaid Orator is a very poore man, and hath no ordinary remedy by the ſtrict courſe of the common lawes of this Realme and dominion of England either to defend himſelfe in the ſaid ſuit, or to recover any thing at all againſt the foreſaid G. B. as well by reaſon that the ſaid ſeverall contracts and agreements were ſo uncertainly made, as is aforeſaid, with him, being at the making hereof an infant, as for that the ſame contracts and agreements were made privately between your foreſaid Orator and him the ſaid G. B. few or none being preſent thereat, which can teſtifie the ſame, neither can your ſaid Orator ſet downe in certaine, how much of his ſaid hay they did ſo take and carry away, and yet is there great cauſe in equity why your ſaid Orator ſhould be relieved for the ſame in this honourable Court. It may therefore pleaſe your honourable L. the premiſſes gratiouſly conſidered, to grant unto your ſaid Orator the Q. Ma. moſt gratious ſeverall writ of Sub pœna, to be directed unto the ſaid G. B. A. E. I. M. W. M. T. C. H. M. N. H. W. H. and H. G. and every of them, thereby commanding them and every of them, under a certaine paine, and at a certaine day therein to be limited and appointed, to bee and perſonally to appear before your ho. L. in her Ma. moſt high Court of Chancery, then and there to anſwer unto the premiſſes, and to abide ſuch further order and direction therein as to your hon. L. ſhall ſeeme to ſtand with right, equity, and good conſcience. And your ſaid Orator ſhall daily pray unto Almighty God for the preſervation of your hon. Lord, in good health long to continue with much increaſe of honor, &c.

A Bill of debt upon a contract againſt the ſurviving partner, or joynt chapman, and the adminiſtrator of the other.

Sect. 123. IN moſt humble wiſe complaining, ſheweth unto your honourable L. your daily Orator R. P. of L. in the County of Yorke chapman: That whereas the third day of May now laſt, which was in the 35. yeere of the moſt proſperous raigne of our moſt gratious Soveraigne Lady Eliz. the Q. moſt excellent Majeſtie that now is, and before and after the ſaid third day of May one W. T. of W. in the County of M. Grazier, now lately deceaſed, were chapmen, partners, coparceners, or parting fellowes, did then as partners, and parting fellowes joyntly occupie together in all manner, as well of buying and ſelling, bartering, or bargaining of beaſts and cattell, with their ſeverall ſtockes, and of, and

and with divers other goods, beasts and cattell taken upon their credit and of, and with all encrease and gaines from time to time arising and growing by reason of their said occupying, as by factorship, alienation, exchange, or otherwise, for a certaine time betweene them the said W. T. and R. W. privately agreed upon, and it was also then agreed betweene them, that during the time of their said joynt occupying together or partnership, either of the said parties should be faithfull and true to other in buying, selling, and otherwise, as is aforesaid. And all such lucre, profit, and gaine, advantage, benefit, and winning, as should come, grow, or arise in buying and selling any beasts or cattell, during their joynt occupying or partnership, should be equally parted and divided betweene the said parties, so as either of them should have his just and true moity and portion of the same. And that at such times as it was betweene them agreed upon, either of them should make a just and true reckoning and account with other of buying and selling of all such beasts and cattell, and otherwise, as aforesaid. And it was then also agreed betweene them the said W. T. and R. W. that if any losse or charge shall happen to either of the said parties at any time or times during their said joynt occupying together, and partnership by death of cattell, evill debts, casualties, or otherwise, concerning their joynt occupying to any part of the said stock in buying and selling of beasts or cattell, or otherwise as is aforesaid to be impaired, that the same losse and charge should bee equally borne by both the said parties. And if it should happen either of the said parties to die during the said joynt occupying or partnerships, then the executors or administrators of the goods and cattels of the partie so dead should make a just and true account, payment, and delivery of such part of all encrease, gaines, beasts, cattell, and debts, as should be due to the party surviving. And in like manner that the party surviving should make and declare to the executors of the goods and cattels of the partie so dead, a just, true, and perfect account and reckoning of all the state and quality of their said joynt occupying or partnership, and also pay, deliver, and assigne unto the said executors or administrators of the partie so dead, such moity, halfe part and portion of the said increase, gaines, beasts, cattell, and debts, as upon the same accounts should then have been due unto the partie so dead in so large and ample manner, as if hee had beene then living, and the said joynt occupying then ended, at such times, and in such manner, as it was betweene the said parties agreed upon: by force of which agreement, they the said W. T. and R. W. jointly, as copartners, joynt chapmen, partners, or parting fellowes, occupied together their said stocks, and other things aforesaid, and according to their mutuall agreement, by buying, selling, and exchanging of beasts and cattell, and otherwise, in sundry faires

and Markets of this Realme of England, and with divers and sundry of her Majesties faithfull and loving subjects untill the day of, &c. now last past, at which time the said R. W. died, and the said W. T. him survived, during which said joynt occupying together, partnership, or societie, that is to say, the iii. day of May now last past, the said R. for and to the use of himselfe, and of the said W. T. his partner and joynt chapman, as is aforesaid, at P. in the County of N. did buy of your honours Suppliant in the open Market then there holden, three oxen for vi.li. v.s. of which sum part, was then in hand payed, and the residue was then agreed to be payed unto your Orator upon the Tuesday in Whitson week then next following, in N. aforesaid, and also upon the Wednesday insuing the day, commonly called or knowne by the name of Holy Thursday, the said R. W. did also buy to the use of him, and the said T. of your said Orator ether two oxen for viii. li. to have been paid to your Orator upon the said Tuesday in whitson week, at N. aforesaid, which said oxen were then accordingly delivered to the said R. W. at N. aforesaid, and shortly after the said R. W. delivered the same oxen to the hands of the said W. T. and died, not having payed or satisfied this your Orator of and for the said viii. li. nor of any part thereof, according to the said bargaine, the said oxen remaining in the hands and possession of the said W. T. and after the time of the death of the said R. W. and were since by him the said W. T. converted to his owne only use, by meanes whereof, action accrued unto your said Orator to demand and have of the said W. T. and of one E. W. of S. in the County of E. widow, late wife of the said R. W. or one of them, the said viii. li. so to him due for the same oxen, which the said E. W. by the compact and consents of the said W. T. and R. W. became executor to the said R. W. and wrongfully administred and converted to his owne use divern goods and chattels which were belonging to the said R. W. at the time of his death. And albeit your said Orator hath divers and sundry times come and sent to the said W. T. & E. since the death of the said R. W. gently requiring paiment of the said sum of viii. li. so as aforesaid being behind and unpaid of the price of the said oxen, notwithstanding that divers goods and chattels which were the said R. W. at the time of his death sufficient for the contentation of your said Orator, of, and for his said debt of viii. li. and also to performe the funerals of the said R. W. and to satisfie all debts which the said R. W. ought to any person or persons at the time of his death, came to the hands and possession of the said W. T. or E. W. or to the hands and possession of such person or persons, to whom they the said W. T. and E. W. or the one of them, have left, yeelded, or delivered the same, and in their or some of their hands doth still remaine. Notwithstanding they and either of them have divers

divers and ſundry times ſince the death of the ſaid R. W. been by your ſaid Orator and others in his behalfe gently required to pay the ſame, yet that to do, they and either of them have ever hitherto denied and refuſed, and yet do deny and refuſe to pay the ſame to your ſaid Orator, fraudulently intending therof and of every part thereof craftily and ſubtilly to defraud and deceive your ſaid Orator. And for that purpoſe have ſecretly conveyed, concealed, and hid a great part of the goods and chattels which the ſaid R. W. had at the ſaid time of his death, being of good value, to divers perſons, and in divers places to your Orator utterly unknown, ſo that the ſame being by that means left out of the inventory of the goods of the ſaid R. W. to the intent to dazle & blind the eyes of your ſaid Orator, and of ſundry of the ſaid R. W. creditors, to whom he was in like manner indebted, not knowing the truth of their dealing and ungodly practiſes and devices, intending by ſuch colourable meanes either utterly to defraud his ſaid creditors, or ſo to inforce them to reſt contented with ſome ſmall part of their true and lawfull debt. And whereas afterwards, that is to ſay, upon Tueſday next after Midſommer now laſt paſt, your Orator, and one T. T. of L. in the county of L. husbandman, by a private agreement between them made, did jointly buy of divers perſons, to the uſe of them both, eight oxen, and ſeven bullocks or ſteers for divers ſeverall ſums of money, and afterwards the ſaid beaſts, that is, ſeven of the ſaid oxen, and the ſaid vii. bullocks or ſteers, for the price of which fourteene beaſts, and of the ſaid odde ox, your Orator and the ſaid T. T. afterwards privately accounted, and he thereupon ſatiſfied your Orator all that to him was due for the ſame, but 3. li. 13. s. 4. d. or thereabouts, and being perſwaded by the ſaid W. T. and E. W. and by their pernitious example, not ſatiſfied with their former wrong, as is ſaid, offered to your ſaid Orator have alſo perſwaded the ſaid T. T. not to pay to your ſaid Orator the ſaid ſum of 3. li. 13. s. 4. d. or thereabouts, ſo to him due, for the price of the ſaid oxen, ſo that albeit the ſaid T. T. hath oftentimes ſince the making of the ſaid bargaine and account, been gently required by your ſaid Orator and others on his behalfe, yet he hath ever hitherto denied and refuſed to make payment thereof, and ſtill doth deny and refuſe to do the ſame, againſt all right, equity, and good conſcience, which unlawfull practiſes of the ſaid W. T. and E. W. and T. T. are likely to be to the great loſſe and hinderance of your ſaid Orator, if ſpeedy remedy be not by your good Lo. provided to meet with, and prevent their covetous and moſt unconſcionable dealings and purpoſes in the premiſſes. Wherefore, and foraſmuch as the ſaid agreement of partnerſhip, and otherwiſe, made betweene the ſaid W. T. and R. W. and alſo all the compacts and practiſes made by and betweene the ſaid W. T. and the

ſaid E. W. ſince the death of the ſaid R. W. And alſo the ſaid agreement of the joynt buying of the ſaid xb. beaſts by your Oratoz and the ſaid T. and alſo the ſaid bargaine betweene your Oratoz and the ſaid R. W. foz the ſaid 5. oxen, as alſo the ſaid joynt buying of the ſaid xb. beaſts by your Oratoz. and the ſaid T. T. were ſecretly and pzivately made betweene themſelves, ſo that there is no perſon living knowne to your ſaid Oratoz, but the ſaid W. T. E. W. and T. T. pzivie thereunto, that can teſtifie the ſaid ſeverall contracts, made betweene your ſaid Oratoz, and the ſaid R. W. of, and foz the ſaid 5. oxen as is afozeſaid, and the ſaid joynt buying of the ſaid xb. beaſts by your ſaid Oratoz and the ſaid T. T. and their ſaid accounts touching the ſame, oz the ſaid joynt occupying oz partnerſhip betweene the ſaid W. and T. oz the ſaid concealement, cunning, cloſe, & unlawfull dealings of the ſaid E. W. and T. in the pzemiſſes, ſo that your ſaid Oratoz thzough the want of ſuch pzeciſe pzooke thereof (as the ſtrict courſe of the common lawes of this Realme doth in that behalfe require) is altogether remedileſſe by the ozder of this honozable Court, wherein your Oratoz verily hopeth that the ſaid W. T. E. W. and T. T. in their ſeverall anſwers to the pzemiſſes, will ſeverally upon their cozpozall oaths, confeſſe the ſaid pzemiſſes to be in effect as they have beene herein diſcloſed and ſet foxth: It may therefoze pleaſe your honourable good L. the pzemiſſes graciouſly conſidered, to grant unto your ſaid Oratoz her Majeſties moſt gratious ſeverall writs of Sub pœna, to be directed to the ſaid W. T. E. W. T. T. and to every of them, thereby commanding them, and every of them at a certain day, and under a certain paine therein limited, to be, and perſonally to appeare befoze your honourable Lo. in her Majeſties moſt high Court of Chancerie, then and there to anſwer unto the pzemiſſes, and abide ſuch further ozder and direction therein, as to your honourable L. ſhall ſeeme to be agreable with right, equity, and good conſcience. And your ſaid Oratoz ſhall daily pzay, &c.

A Bill upon a promiſe to forbeare debt due by Obligation untill another day and yet ſuing the bond.

Sect. 124. IN moſt humble wiſe ſheweth and complaineth unto your honourable L. &c. That whereas one R. S of &c. in the County afozeſaid Gentleman, was indebted to one W. P. of D. afozeſaid, in the ſum of &c. And whereas your ſaid Oratoz at the ſpeciall and earneſt entreaty and requeſt of the ſaid R. F. about two yeeres laſt paſt, became bounden foz the ſaid F. unto the ſaid W. P. by his deed oz writing obligatozie, in the ſumme of &c. which condition therein contained oz endoꝛſed foz the payment of the ſumme of &c. unto the ſaid W. P. at the ſeaſt of &c.

which

which was in the yeere &c. at, or in the Church-porch of &c. aforeſaid, as by the ſaid deed or writting obligatory doth and may appeare: which ſaid ſumme of &c. your ſaid Orator had appointed in a readineſſe, and purpoſed to pay the ſame at the time and place aforeſaid, according to the condition of the ſaid writting obligatory: whereupon the ſaid W. P. the very day appointed for the payment of the ſaid &c. or the day before, the certaintie whereof, your ſaid Orator now remembreth not, came unto your ſaid Orator, and upon ſpeech had betweene your ſaid Orator and the ſaid P touching the payment of the ſaid money: The ſaid P. was contented, and did agree to forbeare the payment thereof untill the feaſt of P. then next following, and did faithfully aſſume and promiſe to, and with your ſaid Orator, both then, and at divers times after, to forbeare the payment thereof untill the ſaid feaſt, and that he would not take any advantage of the forfeiture of the ſaid bond againſt your ſaid Orator, but would cancell the ſaid bond, and take a new bond for the payment thereof, at the ſaid feaſt of Pentecoſt aforeſaid, but never required any new bond from your ſaid Orator: and your ſaid Orator giving credit to his promiſe and aſſumption aforeſaid, did not pay the ſaid ſumme of &c. according to the condition of the ſaid writting obligatorie. After which time the ſaid W. P. did often times promiſe your ſaid Orator to deliver the ſaid bond of &c. to your ſaid Orator to be cancelled, and to take a new bond for the payment of the foreſaid ſumme of &c. at the ſaid feaſt of Pentecoſt, according to his promiſe and agreement aforeſaid: and your ſaid Orator doubting that the ſaid P. meant to delay him, and drive him off from time to time, and not fearing leaſt the ſaid P. ſhould take any advantage of the forfeiture of the ſaid bond againſt him, in Michaelmaſſe Terme laſt paſt, your ſaid Orator demanded the ſaid bond againe of the ſaid P. in L. who told your ſaid Orator, that he had delivered over the ſaid bond unto one W. W. being his brother in law, to whom hee had aſſigned over the ſaid bond, and could not releaſe or diſcharge the ſaid bond without the aſſent of the ſaid W. W. but would make meanes to the ſaid W. W. for the delivery of the ſame, and ſeemed to make divers journeyes to the ſaid W. W. to fetch the ſame: And ſo from time to time delayed your ſaid Orator, and drove him out with faire words, untill ſuch time as your ſaid Orator was upon occaſion of buſineſſe, inforced to ride out of L. into the Countrey: And ſhortly after, your ſaid Orator purpoſing to get the ſame bond out of the ſaid P. and W. hands, did in the ſaid Michaelmaſſe Terme ſend one G. H. his ſervant, to L. with the ſaid money, to make payment thereof unto the ſaid W. and P. and to receive the ſaid bond, who comming to L.

accordingly to the said W. and P. and declaring unto them, that he was come to make payment of the foresaid summe of &c. and to receive the said bond, the said W. then told the said P. that the said bond was not then in his custody or keeping: but the said W. did then and there promise, that if the said W. would deliver over a bond which he had in his keeping of trust, to the use of the said P. that then the said W. and P. would the next day following come to the said W. his lodging, and receive the said &c. and deliver over the foresaid bond of &c. unto him, upon whose promise the said W. did then presently (trusting in his faire speeches) deliver the said bond which he had, to the use of the said P. to the said P. or W. accordingly. But so it is, if it may please your good Lordship, that the said P. and W. nothing at all regarding their foresaid severall promises, agreements, and assumption made, to and with your said Orator, and the said W. as aforesaid, have not onely hitherto refused and denied to deliver over the said bond of &c. unto your said Orator, according to the promises and agreements made as aforesaid, but yet do utterly refuse and deny to do the same: albeit your said Orator did oftentimes both before the said Feast of &c. as aforesaid, and divers times since, offer to make payment of the said summe of &c. unto the said P. and W. according to the foresaid agreement, and yet is ready and willing to pay the same. But also the said P. and W. purposing to bring upon your said Orator the whole penaltie and forfeiture of the said bond of &c. have, or one of them hath of late, contrary to the foresaid assumptions and agreements made, as aforesaid, and contrary to all honesty, equity, and good conscience, commenced suit at the common law against your said Orator upon the said bond, to his great losse and hinderance. And the said W. P. hath of late utterly denied, that ever he promised to forbeare the payment of &c. untill the foresaid Feast of &c. contrary to the truth, and contrary to all equity and good conscience. In tender consideration whereof, and forasmuch as your said Orator cannot plead the promise and agreement of the said P. made to your said Orator, for forbearing of the money (as aforesaid) in barre of the said bond at the common law, and thereby is void of all remedy, at, and by the strict order and course of the common law of this Realme, nor can use nor bring any action of the case against the said P. or W. upon their said promises and assumptions, for that your said Orator cannot make any such sufficient proofe thereof, as by the common law is in such case required, for that the same were made privately betweene themselves, and no witnesses called thereunto. And forasmuch as your said Orator verily thinketh, that the said W. P. and W. W. being called into this most hon. Court to answer to the premisses, will in their answer upon their corporall oaths

oaths confeſſe the foreſaid concluſions, promiſes, and agreements made as aforeſaid, and diſcloſe the truth of the premiſſes. May it therfore pleaſe your good Lo. the premiſſes conſidered, to grant unto your ſaid Orator, the M. moſt gratious Writ of Sub pœna, to be directed unto them the ſaid W. P. and W. W. commanding them and either of them, at a certaine day, and upon a certaine paine by your good Lo. to be appointed, perſonally to appeare before your good Lo. in the Mu. Majeſties high Court of Chancery, then and there to anſwer to the premiſſes: and further to ſtand to, and abide ſuch further order and direction therein, as to your good Lordſhip ſhall be thought moſt meet and conuenient in that behalfe. And your ſaid Orator, according to his bounden duty, ſhall daily pray unto God for the good and proſperous eſtate of your Lordſhip in honour long to continue.

The Anſwer of W. P. and W. W. defendants, to the Bill of complaint of E. L. complainant,

The ſaid def. and either of them ſaith, that for the moſt part the ſaid bill is untrue, ſlanderous, and inſufficient in the law to be anſwered unto, and the matters therein contained, deviſed of malice, to put theſe def. to needleſſe charges and expences in law, without any ſufficient cauſe ſo to do. The advantage of exception to which inſufficeint bill to theſe def. at all times ſaved, for anſwer they ſay, and firſt the ſaid W. P. for himſelfe ſaith, that true it is, that the ſaid compl. did become bound to theſe def. by his obligation in the ſum of &c. with condition indorced for the true payment of the ſaid ſum, &c. at a day long ſince paſt, the which ſum this def. did verily think to have received accordingly, and thereof did make reckoning as of a debt then to be paid to him, and for that cauſe did at the very day appointed for the payment of the ſame, repaire unto the place ſpecified in the condition of the ſaid obligation, where the ſaid money ſhould be paid, and there did attend for the ſame, in hope to have received it accordingly: but the ſaid complainant meaning nothing leſſe then the ſatiſfying of the ſaid debt, left the ſame unpaid, to the great hinderance, loſſe, and diſcredit of theſe defend. And this def. further ſaith, that he hath often and ſundry times ſithence the ſaid money was due, made meanes to the complainant for payment of the ſame, who from time to time with faire promiſes (now almoſt theſe three yeeres) hath delayed this def. to his greater hinderance, then the value of the ſaid ſumme: by reaſon whereof, and foraſmuch as the complainant hath ſought divers indirect wayes and meanes to get the ſaid obligation of &c. out of the hands of this defendant, with intent never to pay pennie of the debt aforeſaid: this defendant hath cauſed Sect. 125.

the

the ſaid obligation to be put in ſuit, as he thinketh it is lawfull for him to do, without that, that the complainant to the knowledge of the def. did prepare in a readineſſe to have paid the ſaid &c. at the time and place, according to the condition of the obligation aforeſaid: Or that this def. upon the very day appointed for the payment of the ſame &c. or the day before (or in truth at any time elſe) did come to the complainant and had ſpeech with him, that he was contented, and did agree to forbeare the payment thereof, untill the feaſt of &c. then next following, or did aſſume and promiſe to and with the complainant, both then and at divers times after to forbeare the payment thereof untill the ſaid feaſt, and would not take any advantage of the forfeiture of the ſaid bond, but would cancell the ſaid bond, and would take new bond for the payment thereof, at the ſaid feaſt of P. as in the ſaid bill is moſt falſly declared. And without that, that the ſaid complainant, to the knowledge of the defendant, did ſend one G. W. his ſervant to L. with the ſaid money to make payment thereof to one of theſe defendants, as alſo in the ſaid bill of complaint is untruly alledged. For this defendant ſaith, that he ſought often to the complainant, and made meanes unto him, to have the ſaid defendant either to bee paid in money, or that he might be ſatisfied thereof ſome other way, who made him many promiſes to do the ſame with ſpeed, but never meant or intended it, for any thing that this defendant could get to the contrary. And the ſaid WM. W. the other of theſe defendants for himſelfe ſaith, That whereas he is charged to have made promiſe to the ſaid W. that if he would deliver a bond which he had in his keeping of truſt, to the uſe of the ſaid P. that then he this defendant and the ſaid P. would the next day following, come to the ſaid W. his lodging, and receive the ſaid ſumme of &c. and deliver over the ſaid bond of &c. He this defend. ſaith, that he never made any ſuch promiſe to the ſaid W. to his remembrance, neither was there any cauſe at all that hee ſhould ſo do, as well becauſe in truth, and in honeſty the ſaid W. ought to make delivery of the ſaid bond, ſo committed unto him, but of truſt, as appeareth by the plaintifes owne ſhewing, as alſo for that this defendant was informed that the ſaid W. had delivered the ſaid bond before that they two met together to talke of the ſaid debt. And this defendant further ſaith, that although it were true, that he made ſuch promiſe (as aforeſaid) yet were it nothing at all materiall for the reliefe of the complainant, as well for the cauſe aforeſaid, as alſo for that this defendant had no power of himſelfe to do either good or hurt in the matter. And without that, that any other mater or thing whatſoever materiall in the ſaid untrue bill to bee anſwered unto, and not in this anſwer ſufficiently anſwered, confeſſed, and avoyded, traverſed, or

denied,

denied is true. All which matters these def. are ready to aver and prove as this most hon. Court shall award and pray to be dismissed with their reasonable costs in this behalfe wrongfully sustained.

The Replication of E. L. Esquire complainant, to the Answer of W. P. and W. W. defendants.

The said complainant replieth and saith, that the said bill of compl. exhibited into this honourable Court, is very true, certaine, and sufficient in the law to be answered unto, and that the matters therein contained, are neither devised, imagined, practised, or set forth by him the said complainant, for any such cause or purpose, as the defendants in their answers have untruly imagined, but the same is grounded upon good and just cause, as by the contents thereof doth and may appeare. And further saith, That the answer of the said defendant is very untrue, uncertaine, and insufficient in the law to be replied unto. The advantage of exception to the incertainty and insufficiencie thereof to the said complainant, now, and at all times hereafter saved. The said compl. for further replication saith, that hee doth and will averre, justifie, maintaine, and prove, all and every matter, article, sentence, and thing, in the said bill of complaint contained, to be good, just, and true, in such sort, manner, and forme, as in the said bill of complaint they be truly set forth, shewed and declared. And further the said complainant saith, that hee doth and will averre and prove, as this most honourable Court shall and will award, that the said complainant did prepare in a readinesse, and purposed to pay the foresaid summe, &c. in the said bill and answer mentioned, at the time and place in the condition of the said obligation mentioned, according to the true intent and meaning of the condition of the said obligation, in such sort, manner, and forme, as in the said bill of complaint is most truly set forth and alledged. And that the very day appointed for the payment thereof, or the day before, the said W. P. one of the said def. did come to the said compl. and upon speech had betweene them touching the payment of the said money, the said defendant was contented, and did agree to forbeare the payment thereof, untill the feast of &c. then next following, in such sort, manner and forme, as in the said bill of compl. is most truly alledged. With that also, that the said W. P. did faithfully assume and promise to and with the said compl. both then and at sundry times after, to forbeare the payment thereof, untill the feast of &c. aforesaid, and would not take any advantage of the forfeiture of the said bond against the said comp. but would cancell the said bond, and take new bond for the payment thereof at the feast aforesaid. And that

Sect. 126.

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the ſaid complainant, relying upon the foreſaid agreement, promiſe, and aſſumption of the ſaid P. for the forbearing of the ſaid &c. untill the ſaid feaſt of &c. aforeſaid, and for the taking of a new bond for the payment thereof, at the feaſt aforeſaid, did not pay the ſame according to the condition of the foreſaid Obligation, which otherwiſe hee would have done, in ſuch ſort, manner, and forme, as in the ſaid bill of compl. is alſo moſt truly ſet forth and declared. And with that alſo, that the compl. in Mich. Terme laſt paſt, ſent the ſaid G. W. his ſervant to L. with the ſaid money to make payment thereof. And that the ſaid W. W. the other def. upon offer of tender of the foreſaid ſumme of money by the ſaid U. The ſaid W. W. did promiſe to deliver the ſaid bond unto the ſaid U. within ſhort time after, ſo as the ſaid U. would deliver ober a bond which he had in his keeping, to the uſe of the ſaid P. and would alſo at a time betweene them agreed on, make payment of the ſaid ſumme of &c. which bond was delivered over accordingly; to the ſaid P. or W. by the ſaid U. And the ſaid U. was ready to tender and pay the ſaid money, according to the ſaid appointment, in ſuch ſort, manner, and forme, as in the ſaid bill of complaint is alſo truly alledged. Without that, that the ſaid W. P. one of the ſaid defendants, ſought often to the ſaid compl. and made meanes to him to have the ſaid debt, either to be paid in money, or that he might be ſatisfied thereof ſome other way, who made him many faire promiſes to do the ſame, but never meant or intended it, in ſuch ſort, manner, and forme, as in the ſaid anſwer is moſt untruly alledged: for the ſaid complainant ſaith, That hee did often and ſundry times, both before the ſaid feaſts, &c. and divers times ſithence, offer to make payment of the ſaid ſum, &c. unto the ſaid W. P. and W. and alwayes was, and yet is ready and willing, upon the delivery of the foreſaid bond, to pay the ſame, in ſuch ſort as in the ſaid bill of complaint is moſt truly ſhewed and alledged. And without that alſo, that any other thing, matter, or circumſtance in the ſaid anſwer mentioned, materiall or effectuall to be replied unto, and in this replication not ſufficiently confeſſed, avoided, denied, traverſed, or otherwiſe replyed unto, is true. All which matters the ſaid compl. is ready to aver and prove as this moſt hon. Court ſhall and will award. And prayeth as before in his ſaid bill of compl. he hath prayed.

The joynt and ſeverall Rejoynder of W. P. and W. W. defendants, to the Replication of E. L. complainant.

Sect. 172. THe ſaid defendants ſay, and either of them for himſelfe ſeverally ſaith, that the Replication of the ſaid complainant is unjuſt, and untrue, and very inſufficient in the law by theſe defendants, or either of them

them to be reſoyned unto. Notwithſtanding all advantage of exception to the incertainty and inſufficiencie thereof to theſe def. and to either of them at all times hereafter being ſaved, for reſoynder unto the ſaid inſufficient replication, Theſe defendants ſay, and either of them for himſelfe ſeverally ſaith in all and every matter and thing, as they and either of them in their ſeverall anſwers have ſaid, without that, That any other matter, cauſe, or thing whatſoever, materiall or effectuall contained in the ſaid replication, and by theſe def. or either of them to be reſoyned unto, and not herein ſufficiently confeſſed and avoyded, traverſed, or denied, is true. All and every of which matters and things theſe def. and either of them are ready to averre and prove, &c.

A Bill for detaining lands with Evidences.

MOſt humbly complaining, &c. your daily Orator I. S. of A. in the County of Y. husbandman: that whereas R. S. of Y. in the County of Y. aforeſaid husbandman, and Grandfather to your Orator was in his life time ſeiſed in his demeſne as of fee, or in fee taile, of, and in certaine meſſuages, lands, and tenements, to the yeerely value of, &c. or thereabouts, lying in Y. aforeſaid, and of the ſame died ſeiſed: by force whereof the ſaid tenements deſcended and came (as of right they ought) unto one I. S. father to your ſaid Orator, ſon and heire to the ſaid R. who afterwards entred into the ſame, and was for divers yeeres ſeiſed of the tenements accordingly, untill about the firſt yeere of the raigne of the late K. Edward the vi. At which time one W. G. of Y. aforeſaid happening by caſuall meanes to get into his poſſeſſion all the evidences, charters, and writtings, concerning the ſaid lands and tenements: and knowing that your ſaid Orators father could not for want of thoſe evidences, charters, and writings, defend his right, title, and intereſt to the lands aforeſaid, entred alſo into the ſaid tenements, and the ſame wrongfully did withhold and detaine, during the terme of his naturall life: ſithence which time one T. G. of Y. aforeſaid, & E. G. widow, mother to the ſaid T. hath alſo entred into the ſaid tenements and the ſame to this day moſt unjuſtly withholdeth, together with all the charters, evidences, and writings aforeſaid, which in right and equity belong and appertaine to your Orator, as ſonne and heire to the ſaid I. S. now deceaſed. In tender conſideration whereof, and for almuch as your Orator doth not know the certaine dates of the charters, evidences, and writings aforeſaid, nor of any of them, neither doth know whether they are in bag, or boxſealed, or in cheſt locked, he is without all remedy at the common lawes of this Realme, and alſo without all other meanes how to finde reliefe in this behalfe, except

Sect. 128.

your

your hon. L. favor extended. And that the ſaid T. G. and E. G. may by your L. order be compelled upon their oaths, plainly and truly to ſhew forth their eſtate, in and to the tenements aforeſaid, and alſo to ſhew what right, title, or intereſt they have or claime, in and to the ſame, and likewiſe to ſhew the effect and certaine dates of ſuch charters, evidences and writings, aforeſaid, as they or either of them have in their poſſeſſion concerning the ſaid tenements aforeſaid, or any part thereof: May it therefore, &c. as before.

The Anſwer.

Sect. 129. THe defendants by proteſtation ſay, and every of them ſaith, that the bill of complaint exhibited into this honourable Court, is, for the moſt part uncertaine, untrue, and inſufficient in the law to be anſwered unto. And that the matters therein contained are deviſed by the complainant, onely to moleſt and trouble theſe defendants, being very poore, rather then upon any juſt cauſe. Neverthelеſſe the advantage of exception to the uncertainty and inſufficiencie of the ſaid bill to theſe defendants at all times ſaved: for anſwer and declaration of the truth, they ſay, and every of them ſaith, that true it is that one R. S. of F. in her Majeſties County of H. was in his life time ſeiſed in his demeſne, as of fee, of, and in one meſſuage, and certaine lands and tenements in H. in the ſaid County of H. and being ſo ſeiſed by his deed of feoffement under his hand and ſeale, about the ſix and thirtieth yeere of King Henry the eight, conveyed and aſſured the ſame meſſuage and lands unto one J. S. his ſonne, and to his heires and aſſignes for ever, as by the deed of the ſaid R. under his hand and ſeale ready to be ſhewed unto this honourable Court doth and may appeare: by force whereof the ſaid J. S. was thereof ſeiſed in his demeſne as of fee, and being ſo thereof ſeiſed, for a certaine ſumme of money to him payed by W. G. father of one of the defendants, did convey and aſſure the ſaid meſſuage and lands unto the ſaid W. S. and his heires with warrantie, as by the deed and releaſe of the foreſaid J. S. doth and may appeare: after which the foreſaid W. G. the father unto the ſaid defendant died of the ſaid meſſuage and lands ſeiſed, after whoſe death theſe defendants entred into the ſaid tenements, and the ſame enjoyed to their owne profits and commodities, as lawfull was for them to do: without that, that R. S. of H. in the ſaid bill mentioned, was ſeiſed of the meſſuage and lands in the bill mentioned in fee taile, or that the ſaid J. S. father of the complainant was ſeiſed of the premiſſes in the firſt yeere of King Edw. the vi. or that the ſaid W. G. father of one of the def. got the poſſeſſion of the meſſuage, and the evidences concerning the ſame, otherwiſe then was lawfull for him to do: or that the defendants

or

or any of them do unjuſtly withhold the ſaid meſſuage or lands in the bill mentioned, or the evidences concerning the ſame, otherwiſe then is lawfull for them to do in reſpect of their right. And without that, that the ſaid meſſuage and lands, with the evidences concerning the ſame do in right and equity appertaine to the complainant, as ſonne and heire to I. S. the father. And without that, that any other matter or thing in the ſaid bill contained concerning theſe defendants, and not in this anſwer ſufficiently confeſſed, and avoided, traverſed, or denied, is true. All which matters theſe foreſaid defendants are, &c. ut ſupra.

The Replication.

THe complainant averreth and maintaineth the ſaid bil of complaint and all and every the matters and things therein contained to bee very good, juſt, and true, in ſuch ſort, manner, and forme, as in the ſaid bill of complaint is declared. And ſaith, that the anſwer of the defend. for the moſt part is uncertaine, untrue, and inſufficient in the law to be anſwered unto. Nevertheleſſe all advantages of exception to the inſufficiencie thereof to this complainant at all times hereafter ſaved: For replication ſaith in all and every thing, as in the ſaid bill of complaint he hath ſaid. And further ſaith, that he doubteth not, but that he can very ſufficiently prove that the ſaid I. S. this complainants father, was about the firſt yeere of the raigne of King Edward the ſixth, or not long before, ſeiſed in his demeſne as of fee tail of the aforeſaid meſſuage, lands, and tenements in the ſaid bill mentioned. And he alſo hopeth to prove all the reſt of the ſaid bill to be true, in ſuch ſort as the ſame is truly declared and ſet downe: without that, that the foreſaid R. S. this complainants Grandfather being ſeiſed of the premiſſes in his demeſne as of fee, did lawfully by his deed of feoffement under his hand and ſeale, about the 26. yeere of King Henry the eighth, convey and aſſure the ſaid meſſuage and lands unto one I. S. his ſonne, and to his heires and aſſignes for ever: or that the ſaid I. S. being of the premiſſes ſeiſed in his demeſne as of fee, for a certaine ſumme of money to him paid by the ſaid W. G. father of one of the defendants, did lawfully convey and aſſure the ſaid meſſuage and lands unto W. G. one of the ſaid defendants, and his heires with warrantie, as in the ſaid anſwer is very untruly alledged: And without that, that the ſaid W. G. father to one of the defendants, died of the ſaid meſſuage and lands ſeiſed in ſuch ſort, as in the ſaid anſwer is likewiſe declared, or that it was lawfull for the ſaid defendants after the death of the ſaid W. G. to enter and occupie the foreſaid meſſuage and lands, and alſo in the ſaid anſwer is inſerted. And without that, that any other matter, &c. All which, &c. ut ſupra. Sect. 130.

A Bill for debt levied by extent.

Sect. 131. COmplaining sheweth, &c. A. B. of, &c. That whereas the said A. B. in the beginning of her Maj. raigne, living in her highnesse Court, for his furniture of jewels, plate, money, and such like, had credit with one C. D. Citizen and Goldsmith of London, for the which as he had occasion to borrow any money, or take up any wares, so he delivered his bils or obligations for the true payment of any such money so borrowed, or for the price of any such wares so bought, at dayes betwixt them agreed: which dayes hee alwayes kept, or tooke order for the forbearing thereof, by himselfe, or his servants, such as hee did imploy in those affaires, : amongst which there was in D. in the first yeere of &c. a certaine day or reckoning (of how much certainely hee now remembreth not) betwixt him the said C. D. and the said A. B. for the which he the said A. B. was bound to the said C. D. in the summe of &c. by his deed obligatorie, bearing date, &c. which obligation (as hee now remembreth) was single with a defesance for the debt, which was then agreed upon to be answered at a certain day following, which said debt he the said A. B. payed accordingly by his then servants and officers, who unknowing unto the said A. B. did negligently (as is to bee conjectured) leave the bonds in the hands of the said C. D. after the reckoning or debt payd or discharged. And so afterwards the said A. B. did deale and continue in further credit with the said C. D. for divers other great summes of money, jewels, and plate, some upon the said Goldsmiths book, and some upon bils and bonds, whereof the most part were afterwards discharged, saving one debt by Recognisance, about the 24. day of, &c. in the, &c. being to the value of 100. markes. In which said latter debt of the said A. B. presuming of friendship and friendly dealing at the said C. D. his hands, because he had been a very good customer unto him, did not so precisely keep his day, thinking he would have reasonably dealt with him, being allowed for consideration for forbearing thereof, as at other times hee had done. Notwithstanding he the said C. D. contrary to the said A. A. his expectation, did put the same Recognisance in suit presently after the forfeiture thereof. And the said A. B. being then busied in her Majesties service, the said C. D. had judgement upon the said Recognisance against him before he could send up to take any order for the said latter debt by the said Recognisance, and after tooke execution of the moity of a manor of the said A. B. called, &c. in, &c. which for the payment and performance of the said debt was extended unto xx. marks by the yeere, and so did levie the said whole forfeiture upon the said A. B. his manors and lands with great extremity, upon which extreme dealing he

he the said A. B. finding himselfe most cruelly and hardly dealt with, did refuse to buy or sell with him, and willed his Baylife of his said manor to take acquittances of him at every payment: who not only did so, but upon the last payment the foresaid C. D. did acknowledge to him that payed the money, that your said Orator was then cleare with him, and did owe nothing, or to such effect, notwithstanding the foresaid A. B. accounted of him as of a very extreme man: which the said A. B. his displeasure towards him, being notified and very well knowne unto him, both by letters from himselfe, and otherwise, yet the said C. D. living nine or ten yeeres after that, it cannot be intended, that he who whilest they were in amitie did sue the said A. B. upon the said Recognisance and debt therein contained, being of so small a value, would at the first have left the elder bond and debt, being of a greater summe unsued for, if it had been unanswered for, or not payed, much lesse afterwards, during all the space of nine or ten yeers, when he the said A. B. for his hard dealing had left to be his Customer, or to deale with him, and thought but hardly of him, as he had no lesse cause: so though it bee most sure and true, that the said debt for which the said 200. li. bond was made in the first yeere of the raigne of &c. was long since fully answered, yet it being so long since, the said A. B. cannot precisely call to mind upon the sudden who paid it (divers of his officers which dealt for his revenues, and especially one J. P. whom principally he used in those affaires, being now dead) whereby he cannot upon a speedy triall at the common law prove the payment thereof, by strict and precise course in that behalfe requisits, and the rather, for that the Indentures for the defeasance of the said Recognisance, came by some casuall or negligent meanes to the hands of the said C. D. and of J. his wife, although it be manifest by the presumptions aforesaid, that the said C. D. would not have let it lie so long undemanded, if hee had not been satisfied, which the said A. B. doubteth not to prove in this honourable Court, for that also he thinketh, there be yet some living, that were present at the last reckoning that the said A. B. or his officers made with the said C. D. either when he agreed for the said extents, or about that time: at which time he the said C. D. did acknowledge, that all matters, debts, and reckonings whatsoever were then fully cleered, and quit betwixt the said A. B. and the said C. D. And that the said A. B. did not then owe him any thing. But so it is, the said C. D. now being dead, and J. his wife being his executrix, who finding the said bond of C C. li. remaining uncancelled, rather as it should seeme by those which have conferred with her, upon some words spoken, or conceit of offence, that she hath conceived of the said A. B. his displeasure towards her late husband, then otherwise upon any just cause, thee

the ſaid I. hath publiſhed, that ſhe hath ſuch an ancient bond of the ſaid A. B. bearing date &c. of 200. li. and intendeth to put the ſame in ſuit againſt the ſaid A. B. in tender conſideration whereof, the apparent likelihood of the ſaid debt before recited, being moſt true, and the ſame diſcharged, and yet the proofe of the diſcharge thereof in ſtrict courſe of law being hard for the ſaid A. B. to make, the ſaid I. P. and ſome others who dealt for him, being now dead, and the ſaid deſeaſance being come to her hands (as aforeſaid) but onely upon oath of the ſaid I. D. who was priſie to that, and moſt of her husbands reckonings and doings in his life time, and yet would not unjuſtly charge the ſaid A. B. with the ſaid debt, by meanes that ſhe hath both parts of the deſeaſance in her hands, whereby the ſaid A. B. cannot plead them, and not knowing the date of them, or wherein they are contained, cannot demand them by the ordinary courſe of the law: May it therefore pleaſe your good L. &c.

The Anſwer.

Sect. 132. THe ſaid defendant ſaith, that the ſaid bill of complaint exhibited againſt her in this hon. Court, is uncertaine, and inſufficient in the law to be anſwered unto, and the matters therein contained, untrue, and contrived more of purpoſe to put the ſaid def. to trouble and expences in law, then for any good or juſt cauſe: Nevertheleſſe, if the ſame defendant ſhall be compelled by this hon. Court to make any further anſwer to the ſame: then the advantage of the inſufficiencie thereof to this defendant at all times hereafter ſaved. For further anſwer the ſaid defend. ſaith, that true it is, that the ſaid A. B. about the time mentioned in the ſaid bill of complaint, began to bee a bargainer and buyer of plate and jewels of the ſaid C. D. late husband to this defendant, and obtained credit at the hands of the ſaid C. D. for the ſumme of &c. For payment whereof the ſaid C. D. preſuming upon the promiſes of the ſaid A. B. was contented onely to accept of a bare ſingle obligation which was ſealed and delivered unto him about the time mentioned in the ſaid bill, which ſumme of &c. the ſaid C. D. (after the day paſt which was limited for the payment thereof) often demanded of the ſaid A. B. who notwithſtanding made no payment at all thereof, but with faire promiſes delayed time, and kept the ſaid C. D. in hope from yeere to yeere, that he ſhould be anſwered thereof to the uttermoſt penie. And at the laſt the ſaid A. B. having need of certaine other plate or jewels, to the value of &c. intreated with the ſaid C. G. to give him credit for the ſame, and promiſed faithfully, that if the ſaid C. D. would truſt him therewith, that then within ſhort ſpace after hee would

would truly make payment as well of the C. li. as alſo of the ſaid CC. upon which earneſt entreatie the ſaid C. D. (being a man of a very good nature, and eaſily led by ſuch as hee any way conceived or thought well of) was contented to ſatiſfie his requeſt: But yet forasmuch as the ſaid A. B. had before that time taken but ſmall regard concerning the keeping of his dayes upon the ſingle obligation aforeſaid, the ſaid C. D. then thinking to deale more ſubſtantially with him then before, demanded a Recogniſance for the ſaid ſumme of C. li. ſo then to be lent, without which he was utterly unwilling to truſt him any further: Whereunto the ſaid A. B. aſſented, and became bound accordingly in a Recogniſance of two hundred markes, with condition for the true payment of C. li. (which is the Recogniſance in the ſaid bill of complaint mentioned.) For diſcharge of which Recogniſance the ſaid A. B. took no greater regard then before he had done for payment of the ſaid ſingle obligation. And therefore the ſaid C. D. at the laſt, three yeeres at the leaſt being then paſt after the forfeiture of the ſaid Recogniſance, perceiving the careleſneſſe of the ſaid A. B. asked advice of ſome of his friends, what courſe he were beſt to take for the obtaining of the ſaid ſeverall ſummes of money: by whom hee was adviſed to put the ſaid Recogniſance (rather then the obligation aforeſaid) in ſuit, as well for ſpeedy end of ſuit in the ſame, as alſo that thereby it was thought, the ſaid A. B. would the rather ſeeke meanes to make ſatiſfaction as well of the one debt as of the other: But hee meaning nothing leſſe, nor regarding the ſaid ſuit, ſuffered the ſame to proceed till ſome parcell of his land was extended, and ſo the ſaid C. D. was faine after three yeeres forbearance of the ſaid ſumme of C. li. as aforeſaid, and after he had ſpent more then xx. li. in ſuits and rewards in obtaining the ſaid extent, to accept onely twentie markes by the yeere, till the ſaid two hundred markes (being the principall, and penaltie) were payd unto him: ſo that the forbearance of the ſaid ſumme accounted together with the charges in ſuit, great loſſe of time in following the ſame, and rewards given to Sheriffes and Bailifes before any the ſaid lands might be extended: The ſaid C. D. ſuſtained ſo great loſſe, as by the ſaid circumſtances of that which before hath beene ſhewed, doth evidently appeare, that he was utterly diſcouraged to attempt any more ſuits againſt the ſaid A. B. but reſted ſtill in hope that at one time or other he ſhould obtaine meanes in quiet ſort without ſuit in laſt to get ſatiſfaction alſo of the ſaid ſumme of &c. which hath beene the reaſon onely why the ſaid C. D. did not put the ſaid obligation in ſuit ſo long time, without that, that to the knowledge of this defendant, there was ever any defeaſance made upon the ſaid ob-

ligation, or that any ſuch deſeaſance by caſuall meanes is come into the hands of this defendant, as in the ſaid bill is untruly alledged. And without that, that the ſaid A. B. by himſelfe or his officers, as by the premiſſes manifeſtly appeareth, did make payment of the ſaid debt, or any part thereof: which the ſaid defendant is the rather throughly perſwaded of, as well becauſe ſhe was well acquainted with the dealings of her ſaid husband, as alſo becauſe at the time of the death of her ſaid husband, he lying in extremity, called this defendant unto him, and ſaid that he had carefully gathered together ſundry bonds and obligations, which at ſundry times had beene made unto him for divers ſums of money, and yet in truth they were payd and diſcharged, and thoſe bonds and obligations hee had put in a box by themſelves, and named them bills, which obligations he willed this defendant to cancell or deliver to ſuch perſons as were the obligors, and in any wiſe not to demand any debt upon any of them. And further he alſo openly ſaid, that all the reſt due of the bonds and obligations remaining in other boxes, which he then alſo named, were due and owing unto him. In the which of the ſaid boxes the ſaid obligation of CC. li. was found, neither is it to bee thought that any officers of the ſaid A. B. would deale ſo lightly, as to pay the money due upon the ſaid obligation, being but ſingle and without penalty, without either acquittance or the bond it ſelfe, redelivered or cancelled. Or that the ſaid A. B. himſelfe would have allowed of any ſuch payment upon any his officers accounts. And without that, that the ſaid A. B. did at any time allow any manner of conſideration for the forbearance of any ſum of money due by him the ſaid C. D. (as alſo is untruly alledged.) And without that, that the ſaid C. D. did put the ſame recognizance in ſuit preſently after the forfeiture thereof: for the ſame was forborne three yeeres after, as it is before declared. And without that, that it is likely that the ſaid C. D. did acknowledge himſelfe ſatisfied of all thoſe ſeverall ſummes of xx. markes, which ſhould make up the CC. markes upon the extent aforeſaid, when as he had recovered the whole debts due to him by the ſaid A. B. but onely without that, that the ſaid A. B. to the knowledge of this defendant, did ſignifie by his letters his diſpleaſure towards the ſaid C. D. as alſo is untruly ſet downe. And without that, that any other thing materiall in the law, &c. As in the other.

To cauſe one to ſhew his leaſe, whereby he holdeth, &c.

Sect. 133. MOſt humbly complaining, &c. A. B. of &c. Gentleman: That whereas about foure yeeres laſt paſt, one C. D. of L. upon a certaine

tained judgement in a plea of debt, amounting to the summe of &c. or thereabouts, by him obtained in her Majesties Court of common pleas, against one L. F. of &c. in the County of &c. sued forth her Majesties writ of Fieri facias, directed to the Sherife of the said County, for the levying of the said debt of the goods and chattels of the said E. F. By vertue of which writ the Sherife did amongst other things take into his hands one lease for divers yeeres yet induring made to the said E. F. by one T. S. in the County of S. Esquire, of 3. parcels of land, called and knowne by the name or names of &c. with all and singular their appurtenances, lying and being in the parishes of &c. in the said Countie of &c. together with all and singular woods, underwoods, and trees, set, lying, being, or growing in, or upon the premisses, or any part thereof, together also with the reversion and reversions of the premisses aforesaid, and every parcell thereof. And also all manner of common, as well of estovers and pastures, as all other commons, pastures, profits, and hereditaments whatsoever, to the said premisses belonging, or any wise appertaining. And afterwards the said Sherife (that is to say upon the third day of May &c.) by his deed bearing date under his hand and seale, did in consideration of &c. to him paid towards the satisfaction of the debt and judgement aforesaid, bargaine, sell, alligne, and set over the said lease and terme of yeeres yet to come, of all and singular the premisses unto one G. H. of L. gentleman: which G. H. not long after did in consideration of &c. by your Orator to him paid, bargaine, sell, alligne, and set over unto your said Orator all and singular the premisses, and every part thereof: upon which bargain and allignment of the premisses so made, as aforesaid, your said Orator was in very good hope to have peaceably and quietly entred into the premisses, and so to have occupied and injoyed the same accordingly. Nevertheless so it is right ho. that one R. T. of &c. in the said County of L. pretending to have a lease for divers yeeres yet to come, of some part of the said lands called &c. made unto him by the foresaid E. F. long time before any allignements aforesaid, hath and yet doth keep your said Orator from the possession of the said lands, upon which lease or demise, a certaine yeerely rent is (as he saith) reserved to the said E. F. his executors, or allignes, which as your Orator verily thinketh, is &c. by the yeere, and which rent, whatsoever it be, your Orator by reason of the lawfull conveyance to him made, as aforesaid, ought both in law and conscience to have and enjoy during such terme as the said R. T. shall hold and occupie the land aforesaid, by reason of the said lease which hee so pretendeth to have: but because your Orator doth not certainely know whether the said R. T. have any such lease, neither if hee have, what date it beareth, what terme the said R. hath therein unexpired, what rent

thereby is reserved, nor what covenants are therein contained, as also your Orator cannot, nor knoweth not how in due forme of law to enter or commence any action against the said R. T. either for the recovery of the said land or rent aforesaid, which the said R. T. right well knowing, being a man of little or no conscience, but destitute of the feare of God, thinking all things well gotten which he may get and hold without the punishment of the law, doth not onely use the said land to his great profit and commodity, without yeelding or paying any rent therefore unto your Orator, or any other person lawfully claiming the same, but also doth utterly refuse to shew his said lease, whereby he claimeth to hold the lands aforesaid, unto your said Orator, to the great losse and hinderance of your L. said Orator. In tender consideration whereof, and forasmuch as your Orator hath no ordinary way by the course of the common lawes of this Realme, to inforce the said R. T. to shew forth such writings as he hath for the holding and injoying of the lands aforesaid, but is and shall bee utterly destitute of all manner of help or meanes to obtaine the same, to his great hindrance and impoverishment, except your hon. L. of your accustomed clemencie towards all such as are oppressed, do extend your favour in that behalfe, so that by the order of this hon. Court the said R. T. be inforced upon his oath to shew what right he hath to the premisses, or any part thereof, and likewise to set downe in his answer the true copie of the said lease (*verbatim*) or other writings whatsoever they be, whereby hee claimeth the premisses, or any part of the same: May it therefore, &c.

The Answer.

Sect. 134. The said defendant not knowledging or confessing the matters suggested in the said bill of complaint to bee true, for his answer touching the same, saith, that the said E. F. named in the said bill of complaint, was possessed for divers yeeres yet to come, and enduring, of the said three parcels of land, called or knowne by the name of &c. mentioned in the said bill of compl. by vertue of a lease thereof made by the said T. S. also named in the said bill of complaint, unto the said E. F. long before the supposed extent specified in the said bill of compl. And the said E. F. so being thereof possessed long before the said supposed extent (if any such were) had in such manner, as in the said bill of complaint is supposed, made a lawfull demise and lease of part of the said 3. parcels of land containing 14. acres, or thereabouts, unto the said def. for divers yeeres yet to come, and remaining unexpired, upon which lease the said E. F. reserved a yeerely rent to be paid during the continuance of the said lease: By force of which lease the said defend.

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entred into the ſaid 14. acres of land, part of the ſaid 3. parcels called &c. and was and yet is lawfully poſſeſſed accordingly, and ever ſince, and yet doth enjoy the ſaid 14. acres by vertue of the ſaid demiſe and leaſe made by the ſaid E. F. to the def. and is to have and enjoy the ſame during the continuance of the yeeres, of which there are divers yeeres yet to come, and remaining unexpired. And the ſaid def. ſaith, that the ſaid complainant is a man to this def. utterly unknowne. And therefore the ſaid def. marvelleth much of the ſaid ſuit exhibited by the ſaid compl. into this hon. Court againſt the ſaid def. touching the ſaid premiſſes. And further ſaith, that the ſaid E. F. after the ſaid demiſe and leaſe by him made unto the ſaid def. of the ſaid 14. acres of land, and before the ſaid ſuppoſed extent, if any ſuch bee, made a grant and aſſignement of the intereſt and terme of the ſaid E. F. aſwell of the ſaid 14. acres, which the ſaid def. hath and occupieth by vertue of his ſaid leaſe for divers yeeres yet thereof to come, and continuing undetermined, as alſo of the reſidue of the ſaid 3. parcels of land mentioned in the ſaid bill of compl. unto R. F. the ſonne of the ſaid E. F. unto which grant and aſſignement of the ſaid def. was privie. And therefore the ſaid def. thinketh that he is for the payment of his rent chargeable, and ought by the law to pay the ſame rent reſerved unto the ſaid R. F. and not to the ſaid complainant, which ſaid R. doth verily think, that he is lawfull Landlord during the continuance of his yeeres yet to come and induring, and not the ſaid complainant, who is altogether a meere ſtranger unto this def. And which complainant never at any time heretofore demanded any rent for the ſaid part of the lands that this def. hath and occupieth by the leaſe for yeeres, yet continuing, of the ſaid def. And the ſaid defend. alſo ſaith, that hee is ſued for the rent reſerved upon his leaſe by the ſaid G. H. named in the ſaid bill of complaint in the Kings Bench, in an action of debt brought by him againſt the ſaid defendant: and therefore the ſaid def. much marvelleth of this ſuit of the ſaid compl. brought in this hon. Court againſt the ſaid def. touching the ſaid premiſſes: By which ſuit of the ſaid compl. the ſaid def. is wrongfully ſued and vexed without any juſt cauſe of ſuit, without that, that there is any ſuch extent made of the ſaid three parcels of land called &c. or that after the ſame extent, there was any ſuch bargaine and ſale made by the ſaid Sheriffe named in the ſaid bill of compl. of the ſaid terme and leaſe of yeeres of the ſaid premiſſes unto the ſaid G. H. Or that the ſaid G. H. bargained or ſold the ſaid premiſſes unto the ſaid compl. or that the ſaid compl. ought to have and enjoy the ſaid premiſſes to the knowledge of this def. And without that, that there is any other matter or thing &c. All which matters &c.

A Bill for a title intailed.

Sect. 153. IN moſt humble wiſe ſheweth and complaineth unto your good Lord-ſhip, your daily Orator R. R. husbandman: That where one W. late of S. in the County of W. Husbandman, grandfather of your ſaid Orator, was lawfully ſeiſed in his demeſne, as of fee, by due courſe of inheritance unto him lawfully deſcended from his anceſtors, and o-ther lawfull conveyances in the law, of, and in one meſſuage, &c. CC. acres of land, meadow, wood and paſture, with their appurtenances in S. aforeſaid. And the ſaid W. R. ſo being of the premiſſes ſeiſed, about ten yeeres now paſt, it was condeſcended, granted, and agreed betweene the ſaid W. R. and one J. E. late of H. in the ſaid County deceaſed, that A. B. then ſonne and heire apparant of the ſaid W. R. before a certaine day ſhould marry and take to his wife one A. E. daughter of the ſaid J. E. and that the ſaid W. R. in conſideration thereof, and for that the ſaid A. ſhould be greatly advanced and pre-ferred in goods and ſubſtance, by the marriage of the ſaid A. ſhould imme-diately after the ſaid marriage had and ſolemnized, convey and make unto the ſaid A. and A. a good, ſufficient, and lawfull eſtate in the law, of and in the ſaid meſſuage, lands, tenements, and other the premiſſes. To have and to hold unto the ſaid A. and A. and to their heires males of their bodies lawfully begotten. And afterward the ſaid A. according to the ſaid agreement, did marry and take to his wife the ſaid A. E. im-mediately after which marriage had and ſolemnized, the ſaid W. R. ac-cording to his ſaid promiſe and agreement, did lawfully enfeoffe of and in the ſaid meſſuage, lands, tenements, and other the premiſſes, the ſaid A. R. and A. then his wife. To have and to hold unto the ſame A. and A. and to their heires males of their bodies lawfully begotten, by force whereof the ſaid A. and A. were ſeiſed of and in the premiſſes, in their demeſnes, as of fee taile ſpeciall, and they ſo being thereof ſeiſed the ſaid A. and A. had iſſue male betweene them lawfully begotten, one J. R. and your ſaid Orator, and one W. R. and the ſaid W. R. the elder died, by and after whoſe death the reverſion in fee ſimple of the pre-miſſes deſcended unto the ſaid A. as ſonne and heire unto him. And af-terward the ſaid A. and A. dyed, after whoſe death the ſaid meſſuage, lands, tenements, and other the premiſſes deſcended and came, and of right ought to deſcend and come unto the ſaid J. R. as ſonne and heire male of the bodies of the ſaid A. and A. lawfully begotten, by force whereof the ſaid J. R. entred into the ſaid meſſuage, lands, tenements, and other the premiſſes, and was thereof ſeiſed in his demeſne as of fee taile. And hee being thereof ſeiſed, the ſaid J. R. about foure yeeres

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now paſt, of the ſaid meſſuage and other the premiſſes dyed ſeiſed without iſſue male of his bodie lawfully begotten, by force whereof the ſaid meſſuage and other the premiſſes deſcended and came, and of right ought to deſcend and come unto your ſaid Orator, as brother and heire male to the ſaid I. R. by the vertue of the gift aforeſaid. So it is my ſingular good Lord, that aſwell the deed of intaile made of, and for the premiſſes by the ſaid W. R. the grandfather unto the ſaid A. R. and A. and to the heires males of their bodies lawfully begotten, as aforeſaid, as divers other charters, evidences, and deeds, writings, and muniments concerning the premiſſes, proving the ſaid intereſt and title of your ſaid Orator, in and to the ſaid premiſſes: beene deceitfully comen to the hands and poſſeſſion of I. W. and E. his wife, late wife of the ſaid I. R. G. W. gentleman, and T. S. the elder, and remaine there as they have conveyed and put them: and by colour of having the ſaid evidences, deeds, writings, and muniments in their hands and poſſeſſion, the ſame I. W. and E. have now of late wrongfully entred into the ſaid meſſuage and other the premiſſes. And the poſſeſſion thereof do ſo yet wrongfully detaine and keep from your ſaid Orator, and alſo the rents, iſſues, and profits thereof have wrongfully received, perceived and taken to their owne uſe by the ſpace of foure yeeres paſt, and ſo yet do, contrary to all right and good conſcience. And albeit that your ſaid Orator hath often and ſundry times required and inſtantly deſired the ſaid I. W. and E. G. W. and T. S. as well to deliver unto your ſaid Orator the ſaid evidences, deeds, writings & muniments concerning the premiſſes, as alſo to avoid the poſſeſſion of the premiſſes, and peaceably and quietly to permit and ſuffer your ſaid Orator and his aſſignes, to have and enjoy the ſame, and to receive and take the rents and profits thereof to his owne uſe, according to his ſaid intereſt and title therein, which to do, they at all times have refuſed and denied, and yet do, contrary to all right and good conſcience. And foraſmuch as your ſaid Orator knoweth not the certaine number, contents, ne other certainties of the ſaid evidences, deeds, writings, and muniments, nor wherein they be contained. And alſo for that the ſaid I. W. E. G. W. and T. S. be of ſo great ſubſtance and riches, and alſo greatly friended, and borne in the ſaid County of W. And your ſaid Orator being but a poore man, and having but few friends in the ſaid County, the ſame your ſaid Orator is, and ſhall be therefore without remedy concerning the premiſſes by due courſe and order of the common law, and otherwiſe, unleſſe your good Lordſhips aid and favour be unto him ſhewed in this behalfe. In conſideration whereof, may it pleaſe your good Lordſhip (the premiſſes tenderly conſidered) to grant unto your ſaid Orator the Queenes moſt gratious

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ſeverall Writs of Sub pœna to be directed unto the ſaid I. Wcrewicke E. G. S. and T. S. commanding them and every of them by the ſame perſonally to appeare in the moſt hon. Court of Chancerie, at a certaine day, and upon a certaine paine by your good Lo. to be limited therein, then and there to make anſwer to the premiſſes: and further to bee ordered therein, as ſhall accord with right and good conſcience. And your ſaid Orator ſhall daily pray &c.

The Anſwer of I.VV. to the bill of complaint of R.K. husbandman.

Sect. 136. THe ſaid defend. ſaith, that the ſaid bill of compl. is uncertaine and inſufficient in the law to be anſwered unto, and the matter therein contained untrue, and principally imagined, and purſued by the unlawfull procurement, bearing, and ſupportation of one W. C. Eſquire, to the intent to put the ſaid defend. to trouble, coſts, and expences, intending thereby ſo to unquiet and impoveriſh the ſaid defendant as hee ſhould be faine to leave the right, title, and intereſt of, and in the premiſſes, ſo that the ſaid W. might purchaſe and buy the ſame of the ſaid complainant: And of late the ſaid W. C. hath made meanes unto the ſaid I. W. now defend. to buy his title and intereſt of, and in the premiſſes, and threatned him to have the ſame, and if he would not let him have it with his good will, that then he would have it againſt his will, whoſoever took his part: and if the contents of the ſaid bill were true (as they are not) yet were the matter determinable at the common law and not in this ho. Court. wherunto the ſaid def. prayeth to be diſmiſſed: and yet nevertheleſſe, the advantage of the premiſſes unto this def. at all times ſaved. For further anſwer unto the ſaid bill for declaration of the truth of the contents of the ſaid bill, the ſaid def. ſaith, and every of them ſaith, that long time before the ſaid A. R. mentioned in the ſaid bill of compl. any thing had in the ſaid meſſuage and other the premiſſes, or that the ſaid W. R. was thereof enfeoffed, T. R. of P. T. S. of S. and W. of E. was thereof ſeiſed in their demeſnes as of fee, and ſo being thereof ſeiſed by their writting indented, ready to be ſhewed the ſaid meſſuage and other the premiſſes contained in the ſaid bill of complaint, amongſt other things gave, demiſed, delivered, and by their ſaid writting indented, confirmed, unto the ſaid W. R. mentioned in the ſaid bill of complaint, and unto A. his wife, to have and to hold the ſaid meſſuages, and other the premiſſes, unto the ſaid W. and A. for terme of their lives, and to the wife of the longer liver of them. And the ſaid T. and T. willed and declared in the ſaid writting indented, that the ſaid meſſuage and all other the premiſſes ſhould remaine unto the ſaid A. mentioned in the ſaid bill of complaint, and unto A. his wife, and unto the heires and aſſignes of the ſaid A. for ever: Without

out that, that the ſaid W. R. did infeoffe, of and in the ſaid meſſuage, lands, tenements, and other the ſaid premiſſes, the ſaid A. and A. to have to them and to their heirs males of their two bodies lawfully begotten, or at the ſaid A. and Agnes were ſeiſed of and in the premiſſes in their demeſnes as of fee taile, as in the ſaid bill of compl. is ſurmiſed, and without that, that after the death of the ſaid W. the remainder of the premiſſes in fee ſimple deſcended unto the ſaid A. as ſonne and heire unto him, or that after the death of the ſaid A. and A. the ſaid meſſuage and other the premiſſes deſcended, and of right ought to deſcend or come unto the ſaid I. R. in the taile ſpeciall as ſonne and heire male of the bodie of the ſaid A. and Agnes lawfully begotten, either any other deſcent of inheritance therein of a meere fee ſimple, or that the ſaid I. by his entrie into the ſaid meſſuage, and other the premiſſes, after the death of his father and mother, was then ſeiſed of and in his demeſne as of fee taile ſpeciall, or of any ſuch eſtate died ſeiſed, or that after the death of the ſaid I. that the ſaid meſſuage and other the premiſſes, or any part or parcell therof deſcended and came, or of right ought to deſcend and come to the ſaid compl. as brother and heire male to the ſaid I. R. by vertue of any gift, or otherwiſe, as in the bill of compl. is untruly ſurmiſed: But the ſaid def. do aver, and are and ſhall be at all times readie to prove, as this hon. Court ſhall award, that the ſaid meſſuages and all other the premiſſes, by and immediately after the death of the ſaid I. R. deſcended, and of right ought to diſcend and come to one A. daughter and heire of the ſaid I. lawfully begotten on the bodie of the ſaid E. one of theſe defend. the which A. is yet in plaine life, and in the ward and cuſtody of her ſaid mother: and without that, that any deed of taile was made, of, and by the ſaid W. R. the Grandfather, or any other evidence, deeds, writings, or muniments concerning the premiſſes, proving the ſaid intereſt and title of the ſaid compl. of the premiſſes, and every part and parcell thereof, to bee come to the hands and poſſeſſions of the ſaid I. W. and E. his wife, or either of them or to the cuſtody or poſſeſſion of any other by their deliverie, conveyance, or appointment: but truth it is, that the ſaid defendants have in their cuſtodie, one writing indented ready to be ſhewed, whereby the remainder of the premiſſes is conveyed unto the ſaid A. and Agnes his wife, and the heires and aſſignes of the ſaid A. for ever, as is aforeſaid, and divers other evidences and writings, proving and concerning the conveyance of the fee ſimple of the ſaid meſſuage and other the premiſſes unto the ſaid A. and other his Anceſtors, the which charters, evidences, and writings, the ſaid defendants do ſtill with them detaine and keep, as good and lawfull is for them to do, as well for the proofe and preſervation of their right, title, and intereſt, unto the third part of

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the premisses for the dowry of the said E. as for the preservation of the right, title, and interest of the said A. daughter and heire to the said J. of, and in the said messuage, and other the premisses: without that the said defen. have at any time wrongfully entred into the said messuage, and other the premisses, or into any part thereof, or the profits thereof do wrongfully detaine and keep from the said compl. or the rents, issues, and profits thereof, have wrongfully distrained, perceived, and taken to their owne use, as in the same bill is also untruly surmised.

A supplication in the Chancery upon deceit by a Partner.

Sect. 137. IN most humble wise complaining sheweth, &c. That whereas upon the imagination of honesty and good opinion that R. C. father unto your said Orator deceased, had in one T. T. &c. the said R. about Easter last past, did joyne in bargaine with the said T. T. for the delivery of so much wares, whereof the moity was the said R. as amounted to the summe of &c. unto one J. S. of the M. Majesties houshold Esquire, for the which summe of &c. the said S. stood bound by the statute of the Staple, unto the said R. E. and T. T. payable at the Feast of &c. then next &c. which was in the yeere of our Soveraigne &c. And to the intent that the same R. being a man of such honesty and simplicity, as did neither suspect, nor yet doubt the good conscience of the said T. who alwayes toward him had counterfeited such purity of conscience, and so honest behaviour, might the better by the help of the same T. come by his debt, at the time to be due, if he so long lived, or else if he died, that the said T. might be as a stay and sure meanes to his Executors, for the getting of the same, he the same R. trusted to the said T. with the custody of the said Statute: Soone after the making of which bargaine, and somewhat before the said feast of &c. the said R. deceased, and made your Orator his executor, thereby charging him as well with the gathering in of all such summes of money as were due to the said testator, as also with the paiment of all such debts, as the said R. did owe. And so it is, most gratious Lord, that although your said Orator hath diverse and sundry times since the decease of his said Father, required the said T. to have the said moitie of &c. due to him by equitie and good conscience, as executor unto the said testator &c. The said T. (now declaring himselfe what hee is) having regard neither to conscience, common honesty, nor yet to the trust hee was put in, minding if he can (with what injury hee careth not) utterly to barre your said Orator from the having thereof, and he himselfe against all reason and conscience to have the said &c. for nothing: hath not onely with many sleights and subtill delayes, lingred and delayed your said Orator long time from having the same: but also now lately hath

plainly

plainly anſwered and affirmed, that your ſaid Oratour ſhall have no part nor penie thereof, which if it ſhould thus paſſe, ſhould be both great incouraging to ſuch corrupt conſcioned perſons, ſtill to perſever in ſuch their lewde demeanour, and in the meane time, turne to the great impoveriſhing of your ſaid poore Oratour: whereforе may it pleaſe your H. L. of your accuſtomed equity, to joyne the ſaid T. that hee repay unto your ſaid Oratour the ſaid &c. moity of the ſaid &c. if he have received it of the ſaid S. or if he have not, that he be not let to your ſaid Oratour, to do therein what he can, for the obtaining and getting in the ſame. And thus ſhall your ſaid Oratour have cauſe continually to pray for the proſperous eſtate of your good Lordſhip long to indure.

A Bill of complaint for the recovering of evidences made by compulſion by a man in priſon without conſideration.

IN moſt humble wiſe complaining, ſheweth unto your good Lordſhip your daily Oratrix J. B. That whereas in the yeere &c. it chanced the husband of your ſaid Oratrix, together with one &c. joyntly and ſeverally to be bounden in a recognizſance of the ſum of &c. knowledged before your good Lo. in the M. Ma. Court of Chancerie, for the payment of &c. payable at a certaine day now paſt, unto one &c. for which ſum not being payd at the day due, the ſaid &c. hath ſued execution againſt your ſaid poore Oratrices husband, whereupon he was by the Sheriſe of &c. arreſted about &c. paſt, and by all the ſaid ſpace hath remained in the M. Majeſties priſon of Marſhalſey, to his great paine of body, importable charges, and in manner undoing, both of him, your poore Oratrix, and their ſmall children, which piteous eſtate of his, (with himſelfe lamenting) after he had well conſidered, he then conſulted with himſelfe, for his beſt remedy in that behalfe, and therewithall calling to his mind, that he had &c. a kinſman and coſin called &c. being of &c. unto whom your ſaid Oratrices husband, for the vicinity of blood, and ability of ſubſtance, was bolder to make his mone for help of this his adverſity, then unto any other. But (far contrary to his expectation, and againſt all humanity) whence your ſaid Oratrices poore husband looked for moſt ſuccour, thence hee received not onely leaſt help, but alſo moſt hurt. For the ſaid &c. well perceiving the adverſe eſtate that your Oratrices poore husband was, and is in, which was the greedineſſe of the Merchant for his money, the earneſt thought and care of your poore Oratrix, and her poore children, and the great deſire that her ſaid poore husband had (as any man would) of liberty, and diſcharge of trouble, would by no meanes promiſe his help unto her ſaid poore husband herein, unleſſe hee would bee content to bargaine and ſell his lands, Sect. 138.

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amounting to the yeerely rent of &c. unto him the ſaid &c. for an annuitie of xx. li. ſterling to him, during his life, and for the ſum &c. whereof &c. to be paid in hand, whereunto your ſaid poore Oratrices husband through the conſtraint of his ſaid caſe, was compelled to agree, and to ſeale ſuch writings as the ſaid &c. not long after he brought to him Indentures concerning the bargaine, nothing doubting of &c. being his coſin, but that they would have ſealed to none other, but onely ſuch as conſcience would ſtand with, at which time the ſame &c. neither payed nor proffered any penie of the ſaid &c. according to his covenant, with delay of payment, both againſt his promiſes and covenant: After her ſaid poore husband had ſtudied upon, and therewithall read over the covenants promiſed in the ſaid Indentures of this bargaine, which indeed (moſt honourable Lord) were ſo partially deviſed for the behoofe of the ſaid &c. and again, ſo ſore againſt your ſaid poore Oratrices husband, as (if the bargaine had taken effect) had beene to the utter undoing of him and her, with all their heires for ever, your ſaid poore Oratrices husband, taking hold on the point that the ſaid &c. payed not the foreſaid &c. did at their next meeting, renounce and ſay, that he would not ſtand to the ſaid covenants and bargaine, whereunto the ſaid &c. partly acknowledging in that he had not payed nor proffered this &c. ſaid before ſufficient witneſſes here ready to be ſworne, he was contented, howbeit he ſaid, that your ſaid poore Oratrices husband, ſhould pay for the making of the writings: For the payment whereof her ſaid husband, as they having no great ſtore of money, was faine to give him a gold Ring in pledge, to pay the Scribe for writting of the ſame: All this notwithſtanding (moſt hon. Lord) and that your ſaid poore O. husband, hath often and ſundry times by many wayes and meanes required the ſame writtings, concerning the ſaid bargaine of the ſaid &c. he againſt all naturall love and humanity, nothing more covet, then the extreme deſtruction of her and her ſaid poore husband, and well perceiving how farre hee is now unable to help himſelfe, hath utterly denied to render the ſame, and yet doth, contrary to all conſcience, law, or right. In conſideration whereof, may it like your honourable Lordſhip, of your accuſtomed pitie, to call the ſaid &c. before you together with the husband of your ſaid poore Oratrix, and there to will him to deliver the ſaid writting againe to her husband, if it ſhall ſo ſeeme good unto your hon. or elſe to ſhew ſufficient matter why he ſhould keep the ſame. And your ſaid Oratrix with her poore husband, and their poore children ſhall pray &c.

A Bill of title of Copihold lands praying an Injunction.

HUmbly complaining, &c. your daily Oꝛatoꝛ W. S. otherwiſe named W. T. of L. Colin and heire of J. S. otherwiſe called J. T. while he liued, &c. that whereas your ſaid Oꝛatoꝛ at your L. laſt being at &c. did exhibit unto you a certaine bill of compl. mentioning therein, that ſoꝛeſaid J. S. otherwiſe called J. T. in his life time was ſeiſed of and in certain cuſtomary lands & tenements, that is to ſay, of and in, &c. holden by copie of Court roll of the manoꝛ of &c. at the will of the Loꝛd of the ſaid manoꝛ, accoꝛding to the cuſtome of the ſame manoꝛ of which one T. L. then was, and yet is Loꝛd & that the ſame J. S. ſo being ſeiſed of the pꝛemiſſes afterwards of like eſtate died theꝛeof by pꝛoteſtation ſeiſed, after whoſe death the ſaid, &c. with the appurtenances, and the right, title, uſe, poſſeſſion, and inheritance theꝛeof diſcended and came, and of very right ought to diſcend and come unto your ſaid Oꝛatoꝛ, as colin and neꝛt heire of the ſaid J. S. that is to ſay, as yongeſt ſon of J. yongeſt ſon and heire of the ſame J. S. accoꝛding to the ancient cuſtome of the ſaid manoꝛ. And that your ſaid Oꝛatoꝛ had often and ſundꝛy times deſiꝛed and pꝛayed the ſaid, &c. that with lawfull warning unto the tenants of the ſaid L. a Court might be holden at the ſaid manoꝛ, by whoſe enquiꝛie, the title of your ſaid Oꝛatoꝛ might be pꝛeſented and found in the pꝛemiſſes, accoꝛding as both juſtice, right, and good conſcience do require. Howbeit moſt honourable Loꝛd, that notwithſtanding, foꝛaſmuch as the ſame &c. hath kept the pꝛemiſſes in his owne hands theſe many yeeres paſt, and the pꝛofits and iſſues theꝛeof comming, hath by the ſame ſpace to his owne pꝛoper uſe receiued and taken, and yet doth, your ſaid pooꝛe Oꝛatoꝛ could neuer get the ſame &c. to hold a Court there, minding theꝛeby utter diſinheriting unto your ſaid pooꝛe Oꝛatoꝛ, of, and in the pꝛemiſſes: Untill ſuch time as your ſaid moſt honorable Loꝛdſhip, moued with your accuſtomed loue to juſtice, and pitie towards poueꝛty, vouchſafed to grant your benigne Letters diꝛected to the ſaid &c. willing him theꝛeby with lawfull warning giuen unto the tenants of the ſaid Loꝛdſhip, to ſummon and keep a Court of the ſaid manoꝛ, foꝛ the tꝛyall of the right of your ſaid Oꝛatoꝛ to the pꝛemiſſes, upon the receit of which Letters, the ſaid &c. ſummoned and kept a Court at his ſaid manoꝛ of &c. Wheꝛeat upon the open and plaine declaration of your ſaid Oꝛatoꝛs title, together with the examination of diuers witneſſes bꝛought in by your ſaid Oꝛatoꝛ, foꝛ the due pꝛoof of the ſaid title in the pꝛemiſſes: And further, upon the ſhewing of ſuch ſubſtantiall and ancient euidences maintaining the ſame, the Homage theꝛewith charged and ſwoꝛne did pꝛeſent and find at the ſaid &c. (beꝛoꝛe Sect. 139.

J. S.

I. S. Steward of the same Court) that the forsaid I. S. was possessor, and held the premisses by copie of Court-roll, according to the custome of the said manor: And that also your said Orator was cosin and heire to the said I. S. according to the custome of the manor: that is to say, sonne of I. ponger sonne of &c. as by the copie of the same Court-rols ready to be shewed more plainly may appeare unto your good L. After which presentment at the same Court, it was agreed betwixt the said Steward, in the name of the said &c. and your said Orator, that if the said &c. would not declare and shew unto your said Orator, or to his learned Counsell at London, within one Terme then next ensuing, a better title and interest to the foresaid premisses, then your said Orator had then and there already proved, that then your said Orator should have and enjoy the premisses to him and to his heires, according to right, equity and good conscience, and according to the custome of the said manor. But so it is (most H. Lord) that although the said &c. as he cannot, so hath he not by the said space proved any manner of title, or colour of title to the premisses, but onely with such and like fraudulent delayes, he intendeth to weary your said Orator from the obtaining of the premisses, and if he can, disinherit him from the same: May therefore, may it &c. of your accustomable goodnesse alwayes to poverty extended, to grant unto your said Orator the Q. most gratious writ of Sub pœna, to bee directed to the said &c. commanding him by the same, not only to appeare personally before your good L. in the high Court of Chancery, at a certaine day, and under a certaine paine by your good L. therein to be limitted: but also to permit and suffer your said Orator peaceably to have, hold, occupie, possesse, and injoy the premisses aforesaid, and the profits and issue of the same, untill such time as the same &c. hath duly approved better title to the premisses, then he hath heretofore done. And your said poore Orator shall &c.

A Bill of complaint for debt without specialty.

Sect. 140. IN most humble wise sheweth and complaineth unto your good L. your daily Orator and poore bedeman I. G. of H. in the County of D. That where the said I. G. by way of gift, at the feast of Pentecost, in the 34. yeere of the raigne of our Soveraigne Lady the Queenes Majestie that now is, did deliver unto one W. L. late of H. in the said County of D. the summe of eighteene pounds of lawfull money of England, to be payed unto him at the feast of Saint A. then next ensuing, before which day the said W. L. by his last will and testament, constituted and made one E. then his wife, his executrix, and died, and left unto the said E. then his executrix, of his owne proper goods, (all his

his debts paid) the ſumme of 100.li. of whom your ſaid Orator ſundry and many times hath required payment of the ſaid 18. li. which to content and pay, the ſaid E. did never utterly deny, but did require reſpit for the payment of the ſame, and before the ſaid E. did content and pay any peny of the ſaid 18.li. the ſaid E. on her death bed, by her laſt Will and Teſtament did conſtitute and make one I. S. her ſonne her executor, and died, and left unto him ſufficient of the goods of the ſaid W. for the contentation and payment of the ſame 18li. li. and after died, ſince whoſe death the ſaid compl. daily, ſundry, and many times required the ſaid I. S. to content and pay unto him the ſaid ſum of 18.li. which to do, he hath at all times refuſed, and yet doth, contrary to right and good conſcience, to the utter undoing of your poore Orator for ever. And for becauſe your Orator hath no ſpecialtie, whereby he ſhould charge the executor or the executrix of the ſaid W. L. he is therefore without remedy by the order of the common law of this Realme, and is like utterly to loſe the ſaid 18.li. unleſſe your gratious favour be to him ſhewed in this behalfe: In tender conſideration whereof it may therefore pleaſe your good L. (the premiſſes conſidered) to grant the Mu. Majeſties writ of Sub pœna to be directed to the ſaid I. S. commanding him by the ſame perſonally to appeare before your good L. in the M. moſt gratious Court of Chancery, &c.

The Anſwer of the ſame bill for eighteene pound lent without ſpecialtie.

THe ſaid I. S. by proteſtation not knowing that the ſaid complaint did deliver the ſaid W. L. in the ſaid bill named, the ſumme of eighteene pounds, or any part thereof, by way of preſt, as in the ſaid bill is ſurmiſed: He further ſaith, that the ſaid bill of complaint is uncertaine and inſufficient in the law to bee anſwered unto, and much of the matter therein contained is fained and imagined, for vexation and trouble of the ſaid I. S. notwithſtanding the advantage thereof to him at all times ſaved: The ſaid I. S. for further anſwer unto the ſaid bill ſaith, That long time before the ſaid E. L. was conſtituted, and made executrix unto the ſaid W. L. the ſaid E. was married unto one R. S. father of this defendant, by the ſpace of twenty yeeres, and more, which ſaid R. S. by his laſt Will and Teſtament conſtituted, ordained and made the ſaid E. and the ſaid I. S. his executors, and died, and left to the order and diſpoſition of the ſaid executors goods and cattels of his owne, to the value of two hundred pounds ſterling, and above. All which goods and cattels for the moſt part of the ſame, being and remaining in the hands and cuſtody of the ſaid E. ſhee the Sect. 141.

ſame E. married tooke to husband the ſaid W. L. which ſaid W. after the marriage had betweene him and the ſaid E. did miſ-ſpend, waſte, and conſume of the ſaid goods and chattels late of the ſame R. S. to the value and ſumme of one hundred and ſortie pounds ſterling, and above. And after the ſaid W. L. by his laſt Will and Teſtament ordained and made the ſaid E. executrix thereof, and died a very poore man, having no power of goods nor chattels at the time of his death, of his owne, to the value of xx. s. ſterling. And afterward the ſaid E. by her laſt Will ordained this defendant executor thereof, and died, ſince whoſe death there hath not come to the hands of this defendant of the goods late of the ſaid W. L. to the value of xx. s. ſterling, without that, that the ſaid W. L. at his death left unto the ſaid E. of his owne proper goods to the ſumme of one hundred pounds over his ſaid debts paid, or yet the ſumme of xx. s. ſterling, or that the ſaid E. after the death of the ſaid W. L. did ever conſent to agree to pay the ſaid xviii. pounds unto the ſaid complainant, or did require him to reſpite the payment thereof, or that the ſaid E. at the time of her death left unto the ſaid defendant ſufficient of the goods of the ſaid W. L. for the contentation and payment of the ſaid eighteene pounds, as in the ſaid bill of complaint untruly is ſurmiſed. And without that, that any other thing compriſed in the ſaid fained bill of the foreſaid I. which is materiall to be anſwered unto, and in this anſwer not confeſſed, avoided, or traverſed is true. All which matters, &c.

A Bill of complaint upon certaine griefes, requiring a Writ of Certiorari.

Sect. 141. IN moſt lamentable wiſe ſheweth unto your good Lordſhip, your daily poore Orator I. W. of London, That where one A. H. of London aforeſaid Merchant Tailor borrowed of your ſaid Orator twelve pounds ſterling to be paid at the ſaid &c. at a certaine day betweene them agreed, which day was expired and the ſaid ſumme of money not payed, wherefore the ſaid A. for that he had not ready money, deſired your ſuppliant to take a certaine white broad cloth in pawne, containing fortie yards cut in peeces for the ſaid twelve pounds, which cloth was ſold and delivered to your ſaid Orator by a bill of ſale, wherein the ſaid A. H. ſtandeth bound, with condition in the ſame bill declared, That if the ſaid cloth were not redeemed by a certaine day, in the ſaid bill limited, that then the ſame cloth to be to the onely uſe of your ſaid Orator, for contentation and whole payment of the ſaid xii pounds.

Since

Since the which time the ſaid A. counſelled your ſaid Oratoꝛ to put foꝛth the ſaid cloth to one L. M. of London Sheremen, to be died of ſeverall colours foꝛ his moſt pꝛofit, by the meanes whereof the ſaid W. was contented to take the ſaid bꝛoad cloth foꝛ the payment of the ſaid money, and afterward the ſaid cloth was delibered to the ſaid L. M. and within ſix dayes after the delibery of the ſaid cloth to the ſaid L. one R. M. Spaniard affirmed a plaint of debt againſt the ſaid A. and accoꝛding to the cuſtome of the Citie of London, hath cauſed Attachment to be made of the ſaid bꝛoad cloth, as debt due by the ſaid A. unto the ſaid R. whereas the ſaid cloth is your ſaid Oratoꝛs: Notwithſtanding by reaſon of the ſaid Attachment, your ſaid Oratoꝛ reteined counſell in the Guildhall at London, where the matter was at an iſſue, whereupon the Jurie was impanelled, ſince the which time foꝛ the ſpace of three Courtdayes, your ſaid Oratoꝛ did giꝛe attendance there to haꝛe the ſaid matter heard, and the ſaid plaintife and counſell would not ſuffer the ſaid Jurie to appeare, ſo long as your ſaid ſuppliant did applie & purſue his cauſe, with effect herein. And foꝛ that the ſaid R. and his counſell would not pꝛoceed in his ſaid action, your ſaid Oratoꝛ ſuppoſed, that it ſhould no moꝛe be called upon, by occaſion whereof, your Oratoꝛ being about his buſineſſe in the Countrey, in the meane time, the ſaid R. M. with his counſell (haꝛing knowledge that your ſaid Oratoꝛ was out of the Citie, and in the Countrey) inſtantly laboured the Jurie to appeare in the abſence of your ſaid Oratoꝛ, and by their ſubtiltie and craft the ſaid Jurie did appeare, and paſſed againſt your ſaid Oratoꝛ, contrary to all right, law, and good conſcience, which ſhall be to the great impoꝛiſhment and undoing of your ſaid Oratoꝛ foꝛ eveꝛ, unleſſe your good Loꝛdſhips lawfull faꝛour and ſuccour be to him ſhewed in this behalfe. In conſideration whereof, might it thereforꝛe pleaſe your good Loꝛdſhip to grant the Mu. writ of Cerciorari, to be diꝛected to the Maiꝛ and Sheriffes of L. commanding them and eveꝛy of them, by vertue of the ſame, to certifie beforꝛe your good Loꝛdſhip in the Mu. moſt honourable Court of chancery, at a certaine day by your good L. to be limited, the ſaid Attachment, and all the matter concerning the ſame, and to examine the ſaid matter, and all the whole circumſtance thereof, and to ſtand to ſuch oꝛder and diꝛection therein, as ſhall ſtand with right equity and good conſcience. And your ſaid Oratoꝛ ſhall pꝛay to God foꝛ the pꝛeſervation of your good Loꝛdſhip long to continue.

A Bill where a Jurie hath passed in a matter wrongfully, praying a Certiorari.

Sect. 143. IN most humble wise sheweth and complaineth unto your most honourable good Lordship, your poore suppliant and continuall Orator P. of W. of the Citie of L. Broker, that whereas one A. M. of the said Citie Merchant Stranger within the said Citie was possessed of, and in certain linnen clothes, to the value of 20. li. sterling, and to your poore suppliants knowledge then, and as yet as of his owne meere proper goods and chattels, and so thereof being possessed, the same within the said Citie delivered to your poore Orator, being a Broker, safely to keep and to sell any merchandise by the discretion of your poore suppliant, to the use of the said A. by force whereof, your Orator made sale thereof, to certaine persons within the same Citie, and the money, goods, and merchandises thereof received and taken, delivered unto the said A. And so it is, right honourable Lord, that after and since the sale thereof, made, one J. S. Merchant Stranger, pretending a propertie in the foresaid linnen clothes, hath commenced an action upon his Case against your poore suppliant in the Guildhall, set and being within the foresaid Citie, before the Sheriffes thereof, and thereupon hath declared, that the said J. should have lost those goods, and that they came to the hands and possession of your poore suppliant within the said Citie by way of Trover. And furthermore that your poore Orator was sundry times required to make deliverance thereof to the said J. and that refused, and the same afterward sold, and the money thereof received converted to your Orators use, to which matter one J. O. your poore suppliants Atturney, rashly without advisement or counsell therein taken, said that your poore Orator did not sell the said clothes nor any part thereof, and upon the same matter, whether any sale thereof was made by your suppliant or not, an Issue was taken, and the Jurie tried, sworne, and charged, found a sale made by your poore Orator of the said clothes (as the truth was) nothing regarding to whom the propertie of the said goods was, at the time of the sale thereof made, because of the plea so unadvisedly pleaded, it was confessed in point of judgement, the propertie thereof to bee in the said J. S. and so it is, right honourable Lord, that the said Atturney might have taken an Issue, that your said Orator sold no clothes of the said J. because of truth the clothes were the proper clothes of the said A. and not the clothes of the said J. and so the Jurie should have tried in whom the propertie was, and because the propertie was not put in.

in iſſue, the Iurie had no warrantie to enquire thereof, and in caſe they had beene the clothes of the ſaid I. as they were not indeed your poore Orator ought not by order of the law to have bin charged, becauſe they were delivered to your Orator by the hands of the foreſaid A. to ſell, and your Orator did accordingly. And the money, goods, and merchandiſes thereof received, delivered to the ſaid A. and ſo if any treſpas or wrong was done to the ſaid I. it was done by the ſaid A. and not by your ſaid Orator, againſt whom the ſaid I. may take his action. For your poore Orator at the time of the ſaid action commenced, neither had the ſaid goods in poſſeſſion, ne any other things in lien or conſideration of the ſame goods. And alſo there is a cuſtome within the ſaid City, That if any Upholſter or Broker ſell any goods within the ſame Citie to any perſon or perſons of the ſame Citie, upon the delivery of any perſon for, or at the requeſt of him having witneſſe of the delivery thereof to him made, or bring out the party who delivered them unto him, not being himſelfe particeps criminis, ſhould be diſcharged, and not damnified for that his offence doing in making ſale thereof. And alſo by the order of the common lawes of this Realme, a man comming immediatly to the poſſeſſion of the goods, not being party to the firſt wrong, ſhall not be charged in an action of treſpas; which matters, or any of them, if they had been pleaded your poore ſuppliant could not be received to give them in evidence to the Iurie, and ſo your poore Orator is like to pay to the ſaid I. the value of the ſaid clothes, the ſaid I. having no property, right, nor title to the ſame, unleſſe your moſt hon. L. favour be ſhewed herein. In conſideration whereof it may pleaſe your moſt ho. L. the premiſſes tenderly conſidered, to grant the K. moſt gratious writ of Certiorari to be directed to the Sheriffe of the ſaid City, commanding them and every of them to certifie before your good L. the whole record of the premiſſes depending before them, or either of them in the Kings moſt gratious Court of Chancery, at a certain day by your good L. to be limited, and therein further to proceed, and further to grant the K. moſt gratious and ſpeedy writ of Sub pœna, to be directed to the ſaid I. commanding him perſonally to appeare before your good L. in the ſaid Court of Chancery at a certaine day, and under a certaine paine by your good L. to be limited therein, to ſtand to, &c. beene a ſufficient matter of bar, and becauſe they were not pleaded, your &c.

A Bill containing that the plaintife taking up of a Mercer upon his credit, ſilkes, and velvets, put his hand to the debt book of the parcels of the ſaid ſilkes and velvets, witneſſing his debt for the ſame: and afterwards the plaintife for his better ſecurity of the ſaid debt, made him a bill of his hand for the ſame debt: and that the plaintife afterwards at the deſire of the Mercer, procured his eldeſt brother to become bound to the ſaid Mercer for the payment of the plaintifs ſaid debt upon the Mercers promiſe, to take no advantage thereof untill after the death of the plaintifs father. Afterwards the Mercer dieth inteſtate, and the adminiſtration of his goods is committed to R. A. by a practiſe of the Mercers creditors, the Adminiſtrator bringeth an action of debt againſt the ſaid plaintife, upon his ſaid bill of debt: and alſo threatneth to ſue the plaintife and his brother upon the ſaid book of parcels, and the bond: and then ſheweth that he tendred the debt to the adminiſtrator, who refuſed the ſame, and ſo prayeth proceſſe.

To the right honourable Sir Jo. P. Knight, Lord Keeper of the great Seale of England.

Sect. 144.

IN moſt humble wiſe complaining, ſheweth unto your honourable L. your daily Orator T. D. Gentleman: That whereas your Orator being of late ſervant in houſhold to the right honorable ſir C. H. Knight of the moſt noble Order of the Garter deceaſed, late Chancellor of Engl. having then ſmall maintenance from J. D. of D. in the Countie of C. Eſquire his father, did make his eſtate knowne to one N. B. of London Mercer, now deceaſed, being your ſaid Orators very neere Kinſman, who was content to give your ſaid Orator credit for divers parcels of ſilkes and velvets at ſundry times, amounting in the whole to the ſumme of xvii li. or thereabouts, for the which your Orator did ſubſcribe his hand to the debt book of the ſaid N. B. wherein the ſaid parcels of ſilkes were ſet downe under the ſame parcels, witneſſing the ſaid debt. And at another time after that, your ſaid Orator did ſeale and deliver unto him a bill of your Orators hand for his better ſecurity of the payment of the ſaid debt. And afterwards becauſe your Orator was but a younger brother, the ſaid N. B. deſired your Orator to procure his eldeſt brother P. D. ſonne and heire apparant of the ſaid J. D. for the better ſecurity of the ſaid debt to become bound to the ſaid N. B. by Obligation for the payment of the ſaid debt, promiſing nevertheleſſe to take no advantage of the ſaid Obligation, nor to put the ſame in ſuit during the life of the ſaid J. D. whereupon the ſaid P. D. at your Orators requeſt did become bound to the ſaid N. B. by obligation accordingly, and your Orator did then ſeale and deliver

deliver to the said P. D. his brother a counterbond to save him harmeless from the said Obligation. So as the said N. B. by the severall meanes aforesaid had three severall kinds of assurances or specialties for one and the selfe same debt, that is to say, his debt book subscribed with your Orators hand, a bill of debt sealed and delivered unto him by your Orator, and an obligation sealed and delivered unto him by the said P. D. And now so it is, if it may please your good L. that the said N. D. is lately deceased, after whose decease the administration of his goods and cattels is committed to one R. A. an unknown person that cannot be found, whose name is but used by others in all unconscionable suits. For if it may please your good Lo. R. S. Alderman of London, R. W. and F. S. pretending themselves to be creditors of the said N. B. having procured the said bill of debt and Obligation to bee set over unto them, have thereupon not only commenced suit in the Qu. Majesties Court of common pleas at Westminster, in the name of the said R. A. as administrator of the goods and cattels of the said N. B. against your said Orator upon his said bill of debt of 22. li. but also do threaten to commence one other suit against your said Orator upon the said debt book, and a like suit against the said P. D. upon the said Obligation. And albeit your said Orator have divers and sundry times offered and tendered to pay the said debt of 22. li. to the said administrator, with such reasonable costs and expences as hath beene by him expended, and bestowed in the said suit at the common law, and is ready to pay the same: Yet nevertheless the said R. A. R. S. R. W. and F. S. do refuse to accept thereof. And the said R. S. &c. do very hotly prosecute the said suit at the common law in the name of the said R. A. contrary to equity and conscience, do procure and cause the said R. A. to absent himselfe, so as your said Orator cannot tell where to finde him to deliver unto him any processe to compell him to answer to his said unconscionable dealing, and yet the said suit at the common law is still prosecuted in his name by the meens and procurement, & at the costs and charges in law of the said R. S. &c. or some of them, who have procured the said debts to be assigned and set over unto them as is aforesaid. In consideration whereof, and for that it is against all conscience to take advantage of the said treble assurances made for one selfesame debt: and for that your said Orator is remediless therein by the due course of the common lawes of this Realm, and for that your said Orator is ready to pay the principall debt being 22. li. together with reasonable costs of suit: May it therefore please your good Lordship to grant unto your said Orator the Qu. Majesties most gracious writ of Sub pœna, to bee directed to the said R. A. R. S. &c. commanding them and every of them to appeare personally before your good Lordship in her Majesties high

Court of Chancery, at a certaine day, and under a certaine paine therein to be by your good Lordship limited, then and there to answer to the premisses, and to stand unto and abide such further order and direction therein, as to your good L. shall seeme to stand with justice and equity, and your said Orator shall daily pray, &c.

A Bill containing that a widow seised in fee of three measses &c. thereof enfeoffed divers persons in fee for the performance of her last Will and Testament and by the same she devised the said measses &c. to her son in taile generall with divers remainders over, and died, That the devisee died having issue the plaintife. That the feoffement and will is come to the defendants hands. That by colour thereof he hath entred and expulsed the plaintife, and hath made divers secret estates to divers unknowne persons to defraud the plaintife of his apt remedy by the common law, and so prayeth processe against the defendant.

To the right Honourable Sir T.E. Knight, Lord Keeper of the great Seale of England.

Sect. 142. In most humble wise complaining sheweth unto your good Lo. your daily Orator I. B. labourer. That whereas R. G. widow was lawfully seised in her demesne as of fee, of, & in three measles, 20. acres of land, meadow, leasow, and pasture, with the appurtenances set lying, & being in M. in the County of B. And the said R. G. being so seised of all the premisses, did of the same about fortie yeeres last past enfeoffe certaine persons, To have and to hold to them and their heirs, to the use & performance of the last Will and Testament of the said R. G. and by the same her Will devised all the premisses, or the use thereof to her son W. B. and to the heires of his body lawfully begotten, with divers remainders over, and died, by & after whose death, the said W. B. into the premisses entred, and was thereof lawfully seised in his demesne as of fee taile generall by force of the gift aforesaid. And the said W. B. so being seised of the premisses, died of such an estate thereof seised, by and after whose death the same premisses did discend & come to your said Orator, as son and heire of the body of the said W. B. by force of the devise aforesaid, by reason whereof your said Orator into the premisses entred and was thereof seised in his demesne as of fee, by force of the said gift in taking the issues and profits accordingly, untill of late, that is to say, about foure yeeres last past, that as well the said deed of feoffement and last Will and Testament aforesaid, as also divers other evidences, charters, escripts, and muniments, concerning the premisses, are by casuall meanes

meanes come to the hands, cuſtody, and poſſeſſion of one R. W. of S. aforeſaid in the ſaid County yeoman, who by colour of having of them, hath not only entred into the premiſſes, and thereof expulſed your ſaid Orator, but alſo hath contrived divers ſecret eſtates to divers and ſundry perſons to your Orator unknowne in purpoſe to defraud and delay your ſaid Orator of his apt action and remedy by the courſe of the common lawes of this Realme, for recovery of the premiſſes, to your Orators utter undoing, and diſinheritance for ever. And forasmuch as your ſaid Orator knoweth not the certaine number, nor the dates and contents of the ſaid evidences, charters, eſcripts, or muniments, nor yet wherein the ſame be contained, whether in bag, or box, ſealed, or unſealed, or in cheſt locked or unlocked, by reaſon whereof your ſaid Orator is cleerely without all remedy for the recovery thereof by the ordinary courſe of the common lawes of this Realme: In tender conſideration whereof, may it pleaſe your good Lordſhip, the premiſſes conſidered, to grant unto your ſaid Orator the Queenes Majeſties moſt gratious Writ of Sub pœna, to be directed unto the ſaid R. W. commanding him thereby perſonally to appeare before your L. in the Qu. Majeſties high Court of Chancery at a ſhort day, and under a certaine pain therein to be limited, then and there to anſwer to the premiſſes, and to abide ſuch order and direction therein, as to equity and juſtice ſhall appertaine. And your ſaid Orator ſhall daily pray as hee is bounden for the health and long life of your good Lordſhip, with all encreaſe of honour to Gods will and good pleaſure.

A Bill againſt two for the delivery of heireloomes or principals to the plaintife being ſonne and heire: according to the cuſtome of the County Pallatine of Cheſter.

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COmplaining, ſheweth unto your good Lordſhip your daily Orator I. S. of Lincolnes Inne Gentleman, ſonne and heire of I. S. of D. within the County of C. That whereas the ſaid I. S. was in his life time lawfully poſſeſſed, of, and in divers goods and chattels as of his owne proper goods, that is to ſay, plate, jewels, houſhold-ſtuffe, beaſts, cattell, horſes, and other manner of goods, amounting to the value of five hundred pounds or neere thereabouts, and ſo being thereof poſſeſſed, made his Teſtament and laſt Will, or daining thereof Elizabeth then his wife, and now wife to W. P. his ſole executrix, and ſhortly after died, poſſeſſed of the premiſſes as aforeſaid within the

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said County of C. Immediately after whose death, the said E. did take upon her the administration of the said goods, and other the premisses accordingly, by vertue whereof she was thereof possessed accordingly. But so it is if it please your honor, that the custome of all the Countrey within the said County of C. is, and time out of minde of man to the contrary hath bin, that if any person or persons being possessed of goods and cattels as of his own proper goods and cattels, and die thereof possessed, that the next heire to him that so dieth possessed shall have the best and principall thing of every sort and kinde of the said goods and cattels for and in the name of the principals and heire Lomes, by force and vertue whereof your Orator being the sonne and heire of the said I. S. was after the death of the said I. S. justly entitled to a great part of the said goods and cattels amounting at the least in value of 200 pounds or neere thereabouts, by reason whereof, and for that your said Orator was at the time of the death of his said father under age of one and twenty yeeres, and yet is, and in ward to the Qu. Majestie, and having the possession of so much of all the said goods and cattels as to your said Orator did appertaine, and of right belong by vertue of the custome aforesaid, being very neere to the value of 200. pounds by delivery of the said E. in her widowhood immediately after the death of the said I. S. your said Orator did incontinently thereupon deliver the same to the said E. to be safely by her kept to your said Orators use, and to be in like manner safely redelivered to your said Orator at such time or times as by your said Orator or his assignes she should be thereunto required, sithence which said delivery made by your said Orator to the said E. as aforesaid, the said E. hath taken to husband one B. P. Gentleman, by reason whereof all the said goods, cattels, and other the premisses, were and did come after the said entermarriage into the hands and possession of the same B. P. which said E. sithence the said delivery made by your said Orator unto her as aforesaid before the day of entermarriage, hath utterly refused to make any delivery of the said goods and cattels, so by your said Orator to her delivered as aforesaid, or yet to make any satisfaction thereof to your said Orator, and the said B. and E. alwayes sithence the said entermarriage have refused and yet do refuse to redeliver the same, or yet to make any satisfaction therefore to your said Orator, notwithstanding many lawfull and gentle requests to them and either of them made in that behalfe by your said Orator, contrary to all right, equity and conscience. In tender consideration whereof, and forasmuch as your said Orator doth not know or remember the certaine precise particulars or value of the said goods and cattels which of right do belong to your said Orator, and delivered by your said Orator as aforesaid, by reason of your said Orators then

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tender age, being not then of diſcretion to haue the cuſtody and rule thereof, and ſo remedileſſe by the order of the common law for the recouery thereof, or of any part thereof, or to haue any ſatisfaction made to your ſaid Orator by the ſaid B. and E. or by either of them. It may therefore pleaſe your good L. the premiſſes conſidered, to grant the Q. Majeſties writs of Sub pœna, to bee directed vnto the ſaid B. P. and E. his wife, commanding them and either of them to appeare before your good L. in the Qu. Majeſties moſt honourable Court of Chancery at Weſt. then and there to anſwer to the premiſſes, and therein to ſtand to, abide, and performe ſuch order and direction as to your good L. ſhall be thought to ſtand and be conſonant to equity and good conſcience, and your ſaid Orator ſhall daily pray to God for your good L. in health and honour long to continue.

A Bill (by a Nobleman) containing that the plaintife took up upon his credit velvets and ſilks of the defend. at a deare rate, and gaue his owne bond with ſureties for the payment of the ſame: and that afterwards he took vpon his credit of him more, Velvets and ſilks at the like deare rate, and being within age, knowledged a Statute ſtaple to the defendant for all his whole debt, upon his promiſe to deliver to the plaintife his obligation which hee had made for his firſt debt to be cancelled, the plaintife allowed intereſt to the defend. for the forbearance, notwithſtanding the deare prices and rate he bought the ſtuffe at, for which the ſaid debt grew, and then ſheweth that he payed not his debt at the day contained in the Statute ſtaple, and that the defendant threatneth not onely to ſue the ſaid bond, but alſo to ſue execution of the ſaid Statute againſt him, and prayeth delivery or releaſe of his obligation and proceſſe againſt the defendant to anſwer the bill.

To the right honorable Sir Chriſtopher Hatton, of the moſt noble Order of the Garter, Knight, Lord Chancellor of England.

COmplaining ſheweth vnto your good Lo. E. S. Lord D. That whereas he the ſaid Lord D. during the time as he was vnder the age of 21. yeeres at ſundry times had and bought of one J. L. Citizen and Mercer of London diuers parcels or pieces of velvet, ſilke, and ſuch like at exceſſiue prices, and not hauing then ready money to pay for the ſame, the ſaid Lord D. together with one R. S. Gentleman, and others, did enter into ſundry bonds to the ſaid J. L. for the payment thereof at ſeuerall dayes after, alwayes allowing vnto the ſaid J. L. ouer and beſides the exceſſiue prices which hee was to pay for the Sect. 147.

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the same velvets and silkes further consideration, or rather as it may be said usurie for the forbearing thereof till the time of payment. And afterwards the said Lo. D. during the time of his minoritie aforesaid, had and did buy other parcels of velvets, silkes, and such like, of the said J.L. at like excessive prices, which likewise the said Lo. D. did not then pay for the prices or summes of money, whereunto the said parcels of velvets, silkes, and such like, lastly had and bought after the like excessive prices and rates, together with the said prices or summes of money before due for the other parcels formerly had and bought by the said Lord D. together with consideration, or rather usurie for the forbearing of and for the payment thereof till a certaine time then agreed upon betweene the said L. D. and him the said J. L. did amount and come to the summe of 500.li. for the payment of which said summe of 500. li. at the time agreed upon, he the said Lord D. at and upon the motion, meanes, and intreatie of the said J. L. did during the time of the minoritie of him the said Lord D. become bounden by one Statute Staple unto the said J. L. in the summe of one thousand pounds, of good and lawfull money of England, taking the word and promise onely of the said J. L. to deliver unto him the said Lord D. or his said sureties, the said bonds which before he the said Lord D. and his said sureties had entred into to the said J. L. or otherwise that hee the said John should and would cancell and make void the same, so as thereby, or by reason of any of the said bonds, the said Lord D. nor any of his said sureties should be in any wise sued, vexed, troubled, or charged: But now so it is, if it may please your good Lordship, That the said J. L. although he hath beene thereunto in most gentle and friendly manner earnestly requested and desired by the said Lord D. the said R. S. and others the said sureties of the said Lord D. to deliver unto them the said bonds so by them made, and entred into to the said J. L. as is aforesaid, or otherwise to cancell and make void the same, yet that to do the said J. L. hath utterly refused and denied, and still doth denie and refuse to do the same. But contrary to his said word and promise as aforesaid made and given unto the said Lord D. for the redelivery thereof, or otherwise to cancell and make void the said bonds, doth now daily threaten to put the same in suit at the common law, against the sureties of him the said Lord D. or else already hath so done, contrary to all right, equity, and good conscience. And besides this, because the said Lord D. did not pay unto him the said J. L. the said summe of five hundred poumds at the time limited for the payment thereof, which in very truth he the said Lord D. could not well do unlesse he should have made sale of his lands, to his great dishonour and losse. And notwithstanding that hee the said Lord D. hath

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sought and made means to the said I. L. to compound with him in some reasonable sort, and to accept his money at reasonable dayes, such as he the said Lord D. could and might be well able to satisfie and pay the same, the rather considering his great interest allowed in recompence for the forbearing of time, and giving day of payment, and the excessive prices for which he sold the same silks, velvets, and such like to the said Lord D. yet he the said I. L. hath done and daily doth seeke and go about to sue execution, and to take the benefit of the said Statute of a thousand pound, against the said L. D. contrary to all equity and good conscience. The premisses therefore tenderly considered, and forasmuch as the said Lord D. the said R. S. and others the said sureties of him the said L. D. or any of them, cannot plead any good or sufficient plea in avoidance or discharge of the said bonds and Statutes, nor of any of them, wherof the said I. L. most unconscionably seeketh and goeth about to sue, procure, and take the penalty, execution, and forfeiture against him the said Lo. D. and his sureties, by the ordinary course of the common lawes of this Realme, and the rather, for that also the said Lo. D. is and will be ready for the further discharge of the said R. S. and others his said sureties, to satisfie and pay unto him the said I. L. the said sum of 500. li. at such dayes and times, and in such manner and forme as to your good Lo. shall in equity and right seeme meet and convenient. It may therefore please your good Lo. to grant her Majesties most gracious Writ of Sub pœna, to bee directed to the said I. L. commanding him thereby at a certaine day, and under a certaine paine therein to be limited, personally to appeare before your good L. in her Majesties high court of Chancery, then and there to answer to the premisses, and to shew cause why he the said I. L. should not deliver the said bonds to the said Lo. D. and his said sureties, or else to cancell and make void the same, or otherwise thereof to release, discharge, and save harmelesse the said Lo. D. and his sureties, as in right and equity it behoveth: and further to stand to and abide such order and direction therein, as to your good L. and the said hon. Court shall seeme best to stand with equity and good conscience.

The Answer of I. L. defendant to the bill of complaint of Ed. Lord D. complainant.

THe said defendant by protestation not acknowledging or confessing any matter or thing in the said bill of complaint contained materiall for the said debt to be answered unto to be true in such manner and forme as in and by the said bill of compl. is set forth and alledged. For answer saith, that the said complainant about foure yeeres past, Sect. 148.

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at seuerall times had and bought of the said def. diuers parcels of silkes, velvets, and wares, amounting unto the summe of 159. li. 4. s. 5. d. or thereabouts, all which parcels the said defendant did sell unto the said complainant for and at reasonable prices considering the dayes of payment, and for the true payment of some part of the said summe, he the said Lo. D. together with the said R. S. in the said bill of complaint named, and one D. C. being then the said complainants servants, did become bound to the said defendant by two obligations which they forfeited. And long afterwards, that is to say, in the moneth of May 1588. the said Lo. D. having occasion to use other necessaries for himselfe and his wife, and having detained the foresaid summe of 159. li. 4. s. 5. d. from the defendant a long time, did in the said moneth of May 1588. in respect of the said time past, allow the said defendant for consideration but 26. li. 13. s. And in the said moneth of May the said complainant at his earnest request had a new supply of wares amounting to 73. li. 15. s. 4. d. and did then accept of and acknowledge certaine parcels had to his use by the said Christopherson, to the value of 3. li. 17. s. 9. d. which foure sums do amount to 255. li. for all which said debt the complainant gave his owne obligation to the said defendant endorced with condition for the payment thereof the 24. day of June, 1588. After which bond for 255. li. taken, and before the same was due, viz. about the last day of the said moneth of May 1588 the said complainant standing in need both of money and other necessarie furniture for himselfe, his wife and house, earnestly did entreat the said defendant to lend unto him the said complainant the summe of fiftie pounds in ready money, which he protested to be for prosecuting an earnest suit he had against one Sir I. L. Knight, as this defendant remembreth, which although the said defendant could then perfourme hardly, yet he the said defendant made meanes for so much money, and did lend the same fiftie pounds to the said complainant for twelve moneths, upon allowance of five pounds for the same for the said time and no more. And also further did most earnestly desire and entreat him the said defendant to sell unto him so much silkes, velvets, and wares to furnish then his present want, as should make the present summe of 255. li. by his bond, and the fiftie pounds lent in ready money, with the five pounds for interest thereof as aforesaid, amounting to the summe of 503. pounds, and thereupon the said defendant delivered and caused to be delivered to the said plaintife or his assignes about the said last day of M. and in June following, the said silkes, velvets, and wares at reasonable prices considering the time he gave for payment of his mony due for the same to the value of 190. li. 17. s. 4. d. which made up all the former summes 500. li. 17. s. 4. d. And for payment of the said summe

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of 500li. parcell of the ſaid debt of 500.li. 17. s.4. d. the ſaid compl. did knowledge to the ſaid def. a recognizſance or bond obligatorie of the nature of a ſtatute ſtaple of 1000. li. in the ſaid bill of compl. mentioned, upon which ſtat. knowledged, the ſaid def. delivered to the ſaid compl. to be cancelled the foreſaid bond made by the ſaid compl. to the ſaid def. for payment of 255. li. And ſhortly after the knowledging of the ſaid ſtatute that is to ſay, about the ſpace of iiii or v. weekes after, and long before the time limited for the payment of the ſaid def. principall debt of 500. li. the ſaid compl. purpoſing to defeat the ſaid defend. of his ſaid juſt and due debt, did purſue a Writ of Audita querela, ſuppoſing himſelfe thereby to be within the age of xxi. yeeres, both then and at the time of the knowledging of the ſaid ſtatute, upon which writ after the ſame was returned into the Court of common pleas, and before the ſaid def. had notice or underſtanding of the ſame, the ſaid compl. and others the ſolicitors of the cauſe after that he was ſuſpected and viewed by the Juſtices of the ſame Court, did produce or cauſe to be produced ii. perſons or witneſſes before the ſaid Juſtices to be depoſed that the allegation and ſurmiſe of the ſaid Audita querela was true, viz. that the ſaid compl. was then and at the knowledging of the ſaid ſtatute under the age of xxi. yeeres, which witneſſes were examined and depoſed accordingly in the behalfe of the ſaid compl. before the ſaid defend. had any knowledge or underſtanding of the ſaid compl. proceeding therein, and before any writ or Scire facias was awarded or taken forth to warne the ſaid def. of the ſaid ſuit, as by the ſaid depoſitions and proceedings therein remaining of Record in the ſaid Court of common pleas, whereunto the ſaid def. for certainty of the times doth referre himſelfe, more certainly doth appeare, which ſaid ſuit of Audita querela for the avoiding of the ſaid ſtatute the ſaid complainant by his ſollicitors and ſervants did moſt earneſtly follow, upon a bare pretence that the ſaid complainant wanted ſome few moneths of the age of one and twenty yeeres, for maintenance of which ſaid ſtatute the ſaid defendant was called in by proces, and did plead thereunto, after which plea pleaded, and after the ſaid defen. had beene drawne in great charges and expences for the defence of the ſaid ſtatute and cauſe, the ſaid compl. and his councell, ſollicitors, attorny, or ſome of them, ſeeing no likelihood to prevaile in that courſe did become non ſuit, and without any regard had of the penaltie thereof, did faile and neglect to pay to the ſaid defendant his ſaid principall debt of five hundred pounds at the dayes and times wherein the ſame was limited and appointed to be paid by a writting of defeaſance made betweene the ſaid complainant and defen. touching the penaltie of the ſaid ſtatute, the ſame dayes of payment, or ſome of them being now expired eighteene moneths paſt, and more, and yet the

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whole debt ſtill unpaid unto the ſaid defendant, for payment whereof, the ſaid def. hath and doth keep the ſaid Statute and the firſt two bonds wherein the ſaid compl. with his men are bound as his ſureties as aforeſaid, for payment of part of the ſaid principall debt, being this def. owne proper goods as both by law and conſcience the ſaid defendant thinketh he may lawfully do. And yet nevertheleſſe the ſaid defend. further ſaith, that if the ſaid compl. will forthwith pay unto him the ſaid defendant the ſaid ſumme of 500. pounds, being his principall and juſt debt, together with the charges he hath beene put unto, and conſideration after the uſuall rate of x. li. for the hundreth, like as the defen. himſelfe doth pay to others for the long time the ſaid def. hath forborne his ſaid debt. he the ſaid def. will forgo the penaltie of the ſaid Statute, and will deliver the ſame Statute and the ſaid bonds to the ſaid complainant: without that, that the ſaid defendant did ſell unto the ſaid complainant any peece or peeces of velvet or ſilke at the ſeverall times in the bill mentioned, or any other time, or any other things at any exceſſive or unreaſonable price the dayes of payment conſidered. Or that the ſaid complainant did over and beſides the exceſſive price of any ſuch thing allow and pay to the ſaid defendant any further conſideration or uſury for the forbearing thereof till the time of payment, otherwiſe then is before truly ſaid downe in this anſwer. Or that the ſaid complainant, and that the ſaid R. S. or any other, did enter into any more bonds for any the ſummes in the ſaid bill mentioned to the ſaid def. then ſuch as before are confeſſed to the knowledge of this def. And without that, that the ſaid compl. did at the entreatie of the ſaid def. during his the ſaid complainants minority enter into the ſaid Statute in the bill mentioned to the knowledge of this def. but upon the importunate requeſt and intreatie of the ſaid plaintife to ſupplie his wants, as aforeſaid, the ſaid def. was content to accept of his ſaid Statute, not being able to give better aſſurance to the ſaid defend. required. Or that the ſaid def. did then or at any other time promiſe to the ſaid complainant, or his ſaid ſureties in the bill mentioned, any the bonds by them or any of them entred into to the ſaid defendant, for or touching the ſaid debt, as he now remembreth, or any part thereof other then the ſaid obligations which the ſaid defendant did deliver to the plaintife to be cancelled, as aforeſaid, or did promiſe to cancell or make void the ſame in manner and forme as in the ſaid bill of compl. is ſurmiſed to the remembrance of this defendant. And without that, that the ſaid complainant, or any other for him, did require the redelivery of the ſaid bonds, as this defendant remembreth, or that there is any cauſe or reaſon why the ſaid complainant ſhould make any ſuch requeſt or the ſaid defendant to make any ſuch promiſe untill his ſaid

debt

debt be paid. And without that, that the ſaid compl. hath or doth ſeek to make any reaſonable compoſition with the ſaid def. for or touching the ſaid debt, or any part thereof, but rather have endeavored to defeat the ſaid defendant of his ſaid debt. And therefore he the ſaid defendant hopeth that the ſaid compl. ſhall not have or receive and favour in this Court againſt the ſaid def. ſeeing that the ſaid def. deſireth nothing elſe but his priuiledge, with reaſonable recompence for the great wrong and injurie the ſaid compl. hath done, both in putting him to great charges and expences, and by the long withholding and detaining of the ſaid debt as aforeſaid, without that, that the ſaid defen. hath hitherto taken or recovered the penalties of the ſaid Statute, or bonds, or any of them, or that the ſaid compl. is or hath ſhewed himſelfe at any time ready to ſatisfie the ſaid debt unto the ſaid def. or any part thereof, in manner and forme as in the ſaid bill of compl. is alledged. And without that, that any other matter or thing, &c.

A Bill exhibited againſt a Nobleman, and againſt divers tenants and farmers and officers of divers manors, containing that the Nobleman for his debt due to the plaintife became bound in a Stat. of ſtaple of 1200. *li. and for that the debt was not paid at the day it was due, the plaintif extendeth divers manors and lands which the Nobleman had, & was ſeiſed of at the time he knowledged the ſaid Stat. and had ſold the ſame before the time of the extent to divers perſons, and upon a Liberate to the Sherife, had the ſame manors and lands delivered unto him to hold in extent till his debt were ſatisfied: Afterwards upon the Noblemans ſuit to the L. Chancellor, and upon the L. Chancellors requeſt to the plaintife he was contented to forbeare the taking of the profits of the lands extended, and to referre the hearing and ending of the matter touching his debt to two thereunto appointed by the L. Chancellor, who heard and ended the matter, which end afterwards the Nobleman refuſed to accompliſh, whereupon the plaintife went about to take the benefit of his extent, and to keep Courts, and underſtand what lands, and how the tenants held, and what rents and ſervices they paid for the ſame, but could not perform his purpoſe therein, for the tenants and the Nobleman had the Court-rols in their keeping, & the leaſes, rentals, &c. and would not let him ſee the ſame, and that the Nobleman refuſed to ſuffer the plaintife to enter into the manors and lands extended: or to keep any Courts, and would not ſuffer the tenants to pay the plaintife any of the rents or ſervices due for the ſame manors, or to declare unto him what the ſame rents and ſervices were. And then the plaintife prayeth that the tenants, occupiers, and farmors of the ſaid manors, may upon their oaths bring forth their leaſes, and declare what lands they hold, & what rents and ſervices every of them pay. And that all the defendants may ſhew to the plaintife the Court-rols, rentals, book of ſurvey, field books and terrers in their cuſtody, and ſo prayeth proces againſt all the defendants.*

To the right honourable Sir C. H. of the moſt noble Order of the Garter Knight Lord Chancellor of England.

Sect. 149. IN moſt humble wiſe complaining, ſheweth to your good Lordſhip, your daily Orator I. L. Citizen and Clothworker of London, That whereas the Ho. Ed. Lord M. Baron of R. the laſt day of December, in the 26. yeere of the raigne of our Soveraigne Lady Qu. Elizabeth, before Sir Chriſtopher Wray Knight, Lord chiefe Juſtice of the plees before her Highneſſe to be holden, did acknowledge himſelfe to owe to your Orator the ſumme of MCC. li. of lawfull Engliſh money by his Recognisance in the nature of an Eſtatute Staple, with a defeaſance thereupon made for the true payment of divers ſeverall ſummes of money at ſundry ſeverall dayes now long ſithence paſt. And whereas likewiſe the ſaid E. Lord M. was and ſtood juſtly indebted to your ſaid Orator in divers other ſummes of money by other bonds, as alſo by your Orators book, for divers wares taken up of your Orator for the uſe of the ſaid Lord Mo. And whereas alſo Tho. M. Eſquire, brother of the ſaid Lord M. ſtood indebted, and did owe to your ſaid Orator other certaine ſummes of money, for the payment whereof, the ſaid L. M. did undertake and did make to your ſaid Orator many ſeverall and ſundry promiſes, the which as yet he hath in no ſort performed. And whereas the ſaid L. M. at the time of the knowledging of the foreſaid Statute Staple, was lawfully ſeiſed in his demeſne as of fee, of and in the manors of H. W. A. & B. with two faires twice in the yeere, with one market holden every week at H. aforeſaid, with the Hundred of F. with every of their appurtenances, ſcituate, lying, and being in the county of Norffolk, and of and in the manor of H. with their appurtenances in the ſaid county of Norff. which ſaid manors and other the premiſſes aforeſaid, the ſaid Lord Mo. by lawfull aſſurance and conveyance in the law, did bargaine, ſell, convey, and aſſure the ſame, with all and every their appurtenances whatſoever, to one Tho. Lord of H. in the ſaid county of Norffolk Eſquire, and to his heires for ever, by vertue of which conveyance and aſſurance the ſaid T. L. was and is yet ſeiſed of the ſaid ſeverall manors, and other the foreſaid premiſſes, in his demeſne, as of fee. And whereas the ſaid Ed. L. Mo. was likewiſe ſeiſed in his demeſne as of fee at the time of the knowledging of the ſaid Statute Staple of and in the manors of S. M. and W. with the advowſons of S w. Mo. and W o. with their appurtenances in the county of Norff. aforeſaid, which ſaid ſeverall manors, and the advowſons aforeſaid the ſaid Lord Mo. by like conveyance & aſſurance did convey and aſſure the ſame to one Ed. B. late of D. in the ſaid county of Norffolk Eſquire deceaſed, and to his hires for ever, to the only uſe and behoof of the ſaid Ed. B. his heires, and aſſignes for ever, by whoſe death T. B. ſon and heire

heirs of the ſaid E. B. Eſquire deceaſed, was and yet is ſeiſed of the ſaid manors of S. Mo. and W o. and of the advowſons of S. Mo. and W o. in his demeſne as of fee. And whereas the ſaid Lord Mo. was at the time of the knowledging of the ſaid Statute Staple likewiſe ſeiſed in his demeſne as of fee, of, and in the manor of B. with the appurtenances ſituate and extended into the townes of M. M. &c. in the foreſaid Counties of Norffolke, which ſaid manor the ſaid E. Lord M. did likewiſe convey unto T. G. gentleman, and to his heires for ever, to the onely uſe and behooke of the ſaid T. G. his heires and aſſignes for ever. And whereas the ſaid E. Lord M. was at the time of the ſaid Statute knowledged, and yet is ſeiſed of and in the manor of A. with the appurtenances in the ſaid County of Norffolke in his demeſne as of fee, and being indebted to your ſaid Orator as aforeſaid, your Orator made ſundry and divers earneſt requeſts for the getting of the ſaid debt and ſummes of money aforeſaid, and your Orator being by the ſaid Lord M. promiſed to have the ſaid debts at divers ſeverall dayes, yet none of them were performed or kept, whereby your Orator ſeeing no performance, but was delayed from time to time, your ſaid Orator about two yeers ſince ſued forth his ſeverall writs of Extendi facias directed to the Sheriffes of Norffolke, Eſſex, Hertford, Sommerſet Shire, and Yorke, and to the Chancellor of the County Palatine of Lancaſter, for the extending of all the manors, lands, tenements, and hereditaments, within the Counties aforeſaid, whereof the ſaid L. M. was ſeiſed the time of the ſaid Statute knowledged, which writ directed to the Sheriffe of the ſaid County of Norffolke, was delivered to one Clement Paſton Eſquire, then Sheriffe of the ſame County, to be by him executed and returned accordingly. By vertue whereof the ſaid Clement Paſton Eſquire did by the oaths of a Jurie ſworn, & charged within the ſaid County of Norffolke, according to the due courſe of her Majeſties lawes, extend and appraiſe the ſaid ſeverall manors, fairs, markets, lands, tenements, and all other the premiſſes with the appurtenances lying within the ſaid County of Norffolke, as in and by the ſaid extents remaining of Record in this H. Court of Chancery, and by the returne of the ſaid Sheriffe, with the ſeiſure of the ſaid ſeverall manors into the Q. Majeſties hands, to the intent they might bee delivered to your Orator in extent, more at large it doth and may appeare. After which inquiſition, extent, and ſeiſure ſo taken, had, and made, your Orator ſued forth her Highneſſe writ of Liberate, bearing Teſte the 4. day of Februarij, in the 30. yeere of her highneſſe raigne, directed to the ſaid Sheriffe of Norffolke, commanding him thereby to deliver the ſaid ſeverall manors extended as aforeſaid unto your Orator to hold them in extent, untill your Orator were of the ſaid

ſumme of ℳCC. li. with his coſts and expences herein ſuſtained, fully ſatisfied and paid. By vertue of which ſaid Writ, the ſaid Clement Paſton then Sheriffe did deliver in extent to your ſaid Orator the xii. day of March then next following the foreſaid ſeverall manors of H. W. A. and B. with the two Faires holden twice by the yeere, and the Market of H. there holden every weeke, with the Hundred of F. with their appurtenances. And the ſaid manor of H. with the appurtenances. And alſo the ſaid manor of S. Mo. and Wo. with the advowſons and patronage of Sw. M. and W. with their appurtenances, together with the manor of B. with the appurtenances, and the foreſaid manor of A. with the appurtenances, to hold to your ſaid Orator and his aſſignes according to the ſaid extent, untill the ſaid debt of ℳCC. li. together with your Orators coſts and damages, were taken and levied of the premiſſes. By vertue whereof your ſaid Orator was of the premiſſes poſſeſſed, and ſo being poſſeſſed, the ſaid Lord Mo. before that your ſaid Orator had or could receive any profit of the premiſſes, or of any part or parcell thereof, by meanes or reaſon of the ſaid execution thereupon made and delivered to your ſaid Orator, did make humble ſuit to your H. Lordſhip that it would pleaſe the ſame to move your ſaid Orator to forbeare the taking of the iſſues, rents, and profits of the ſaid ſeverall manors and other the premiſſes, and from the moleſting of the Farmors, Tenants, and occupiers thereof for the ſame, untill your H. Lordſh. or ſome others to be by your L. appointed, had heard and determined the cauſe and reckoning between the ſaid Lord M. and your ſaid Orator, whereupon your ſaid Orator was content at the motion and requeſt of your H. Lordſhip, to permit the tenants of the premiſſes to continue in their poſſeſſion quiet, and to forbeare the taking of the rents and profits therof, and to refer the hearing and ending of all reckonings and demands betweene your ſaid Orator and the ſaid Lord M. to the order and determination of M. Doctor S. one of the Maſters of this moſt H. Court of Chancery, and to S. B. gentleman one of your H. Secretaries, being thereunto aſſigned and appointed by your L. in favour of the ſaid Lord M. who entred into examination of the premiſſes in controverſie betweene the ſaid Lord M. and your ſaid Orator, and by their mediations and at their requeſts your ſaid Orator was content to forgo neere the ſumme of C. li. of his juſt demand, ſo that the ſaid Lord M. would content and pay the reſidue to your ſaid Orator in ſuch ſort and at ſuch times as the ſaid Maſter S. and Maſter By. did conclude and ſet downe: But the ſaid Lord Mo. meaning and intending ſtill to delay your ſaid Orator, and to keep him both without his money and the profits of the ſaid manors and other the premiſſes with the appurtenances, which were delivered unto your ſaid Orator in

execution

execution towards the ſatisfaction of his debt, coſts, and dammages, did not onely neglect to perfoꝛme the ſaid agreement and oꝛder taken by the ſaid maſter S. and maſter B. but hath and doth utterly refuſe and deny to perfoꝛme the ſame, by reaſon whereof your ſaid Oꝛatoꝛ foꝛ the levying of his debt, coſts, and dammages, did purpoſe and intend to take his benefit of the ſaid execution, and foꝛ that end your ſaid Oꝛatoꝛ about the feaſt day of S. Michaell the Archangell laſt paſt, travelled into the ſaid county of Noꝛffolke where the ſaid manoꝛs and pꝛemiſſes do lie, and there did offer to keepe Courts, and did likewiſe require the tenants, occupiers, and farmoꝛs of the ſaid manoꝛs and pꝛemiſſes to render and pay to your ſaid Oꝛatoꝛ the rents, iſſues, and pꝛofits then due foꝛ the ſaid pꝛemiſſes to your ſaid Oꝛatoꝛ, and therewithall your ſaid Oꝛatoꝛ did require the ſaid tenants and occupiers of the ſaid manoꝛ and pꝛemiſſes to diſcover and make knowne to him how and in what ſoꝛt and by what title they and every of them did hold, claime, and enjoy the ſeverall parcell of the ſaid pꝛemiſſes which they the ſaid farmoꝛs and occupiers did ſeverally occupie, poſſeſſe, and enjoy, to the end that your ſaid Oꝛatoꝛ might hereafter be aſcertained and inſtructed how to demand, recover, and come by the rents reſerved upon their ſeverall eſtates and intereſts which bee rightfully belonging and appertaining to your ſaid Oꝛatoꝛ by reaſon of the ſaid extent, but ſo it is, if it may pleaſe your hon. Lꝛdſhip, that the ſaid L. Mo. T. L. Tho. B. Theodoꝛe Goodwin, Henry Blage Steward, Thomas Lovell, Thomas Moꝛe, Henry Hinde, Richard Handſoꝛd, Edmond Coles, Thomas Baily, William Oꝛake, Geoꝛge Thurſtone, Rap. Stoꝛie, being all owners, farmoꝛs, tenants, occupiers, and Officers of the ſaid manoꝛs and pꝛemiſſes, in whoſe hands and keeping all the Court Rolles, Rentalls, Leaſes, and counterparts thereof, which touch oꝛ concerne the ſaid manoꝛs and pꝛemiſſes, oꝛ any part oꝛ parcell thereof be and remaine, Have confederated together both to defeat your Oꝛatoꝛ of his lawfull execution and eſtate in the pꝛemiſſes, and alſo to defraud and utterly to take away from your ſaid Oꝛatoꝛ the rents, iſſues, and pꝛofits thereof, and therefoꝛe and foꝛ that end, the ſaid Lꝛd Mo. &c. did not onely deny and refuſe to permit and ſuffer your ſaid Oꝛatoꝛ oꝛ any other perſons to his uſe to enter into the ſaid manoꝛs and pꝛemiſſes, oꝛ to keep any Courts in and upon the ſame, but alſo did and do deny and refuſe to pay to your ſaid Oꝛatoꝛ any free oꝛ farme rents foꝛ the ſaid manoꝛs oꝛ pꝛemiſſes, oꝛ to ſhew to your ſaid Oꝛatoꝛ how, oꝛ by what leaſes oꝛ other titles they oꝛ any of them do poſſeſſe oꝛ enjoy the pꝛemiſſes, oꝛ any part oꝛ parcell thereof, oꝛ what rents oꝛ ſervices ought to be paid foꝛ the ſame, by reaſon whereof your ſaid Oꝛatoꝛ is like to be kept from the benefit of his ſaid execu-

tion, againſt all right, equity, and conſcience, unleſſe your Ho. accuſtomed help bee unto him in this behalfe extended. In tender conſideration whereof, and for that the ſaid Lo. Mo. &c. being owners and occupiers of the manors and premiſſes aforeſaid, and do conceale and keep from the knowledge of your ſaid Orator, as well the yeerely rents, ſervices, and farmes, as alſo the ſight of their ſeverall Indentures of leaſe, as alſo the Court Rolls, whereby your Orator is without remedy either to recover any yeerely farme, or other the rents and ſervices of the Freehold or Copyhold lands pertaining to the ſaid manors, and for that your Orator hath not the Counterpaines of your ſaid Indentures of leaſe, neither knoweth the dates of them, nor the certainty of your farmers reſerved, or of the rents and ſervices due and payable for the ſaid lands, having not the Court Rolls to ſhew forth ſo as your Orator cannot by the courſe of the common lawes of this Realm make any avowry for either the yeerely farmes, nor yet for the rents and ſervices due upon and for the foreſaid freehold or copihold lands holden of the ſaid ſeverall manors as afore, nor yet for any other duty or ſervice due for the ſame, nor can ſhew forth the certainty of the lands that the ſaid tenants do ſeverally hold. May it therefore pleaſe your H. Lordſh. that ſome good order may be by your good L. ſet down, wherby the foreſaid ſeverall farmers, tenants, and occupiers of the ſaid ſeveral manors, and all the other parties before mentioned, may be inforced to ſet down upon their oathes, as alſo bring forth their ſeverall Indentures of leaſes, whereby your Orator may know the ſeverall dates of them, as alſo what lands they hold by the ſame, and by what yeerely rents & farmes. And that the tenants of the ſaid ſeverall manors may likwiſe bee inforced upon their oathes to ſet downe what lands they hold of the ſaid ſeverall manors either freely, or by copie of court roll, & by what rents, fines, duties, & ſervices. As alſo the foreſaid Ed. L. or M. &c. having the cuſtody of any the rentals, court rols, books of ſurvey, field books, or terrers concerning the foreſaid ſeverall manors, or any of them, may likewiſe be inforced to ſhew them forth to your Orator, to the intent your Orator may underſtand what lands, tenements, or hereditaments are holden of the ſaid ſeverall manors, or of any of them, & by what rents, duties, or ſervices, the ſaid lands, tenements, or hereditaments are holden by, whereby your Orator may according to equity and good conſcience, reap, receive, recover, have, and take the yeerely revenues, iſſues, and profits of the foreſaid ſeverall manors, and every of them, as in law and right belongeth unto him, and as he ought to do, untill your ſaid Orator be ſatisfied of the ſumme contained in his foreſaid ſtatute ſtaple knowledged unto him, as aforeſaid, with his reaſonable coſts and dammages herein ſuſtained: and to the end that all theſe points may be performed

formed accordingly, May it further please your good L. to grant to your said Orator the M. Majesties most gratious Writ of Sub pœna, to be directed to the foresaid E. Lord H. Baron of R. &c. commanding them and every of them thereby at a certaine day, and under a certaine paine personally to appeare before your good L. in the said ho. Court of Chancery then and there to answer to the premisses, and to abide such further order and direction herein, as to your H. shall seeme good to stand with right, equity, and good conscience. And your said Orator shall according to his most bounden duty ever pray for the increase and continuance of your good L. in health and all honour long to endure.

The joynt and severall Answers of T. M. H. B. &c. defendants, to the bill of complaint of I. L. complainant.

The said defendants and every of them saving to them and every of them the advantage of exception to the incertainty and insufficiencie of the said bill of complaint, say, And first the said T. Moore for himselfe saith, That he the said T. Moore doth and hath by the space of two yeeres last past or thereabouts exercised the office of Bailife of the manors of H. A. and B. in the said bill mentioned, whereof this defendant supposeth T. L. o. Esquire to be seised of some estate of inheritance, and hath in his hands some rentals of the said manors, which this def. thinketh hee ought not to impart to the said complainant, neither ought the said complainant to have the issues, rents, and profits of the said manors as this def. thinketh, for that as this def. hath credibly heard and verily beleeveth it to be true, the said E. Lord H. in the said bill mentioned, the day of the date of the said Recognisance in the said bill mentioned, or at any time since was never seised in his demesne as of fee simple, fee taile, or free hold, of, and in the said manors of H. A. and B. or any part or parcell thereof, as in the said bill is untruly alledged. But one T. H. was then seised thereof, who since hath conveyed the same to the said T. L. as this def. hath heard. By reason whereof the said Th. L. ought in this def. opinion to have the rents, issues & profits thereof, notwithstanding the the said execution, without that this def. is farmour, customary, or free tenant of any part or parcell of the said manors or other the premisses in the said bill mentioned, other then of parcell of the demesnes of the said manor of H. which this def. holdeth by lease for certaine yeeres yet to come, rendring yeerely v. li. and of the Fatres of H. and the profits thereof, which he holdeth for divers yeeres yet to come, rendring yeerely xxvi. s. viii. d. and of the vi. part of the Warren of H. which he holdeth for divers yeeres yet enduring, rendring xii. s. by yeere, or thereabouts. And of divers freeholds holden Sect. 150.

of the manor of H. by the rents of xx. s. or thereabouts. And without that, that this def. hath in his hands any Court rols, rentals, or leases concerning the premisses in his said bill mentioned, other then in this answer before is mentioned, as in the said bill is untruly alledged. And without that, that this defendant hath unlawfully confederated with any the persons in the said bill mentioned, to defeat the said complainant of his lawfull execution and estate in the premisses in the said bill mentioned, as in the said bill of complaint is also untruly alledged. And the said Henry Blake for himselfe saith, that hee hath exercised the office of Steward of the said manors of H. and B. in the said bill mentioned, and of the manors of H. in the said bill likewise mentioned lawfully constituted thereunto as this defendant thinketh by the said T. Lo. being seised of some estate of inheritance of the said manors, as this defendant supposeth: and that the Court rols and evidences concerning the said manors are kept in the house of the said T. Lo. at E. in the County of Norffolke, and are not at this defendants disposition to yeeld up or impart to the said complainant otherwise then as the T. Lo. shall appoint, whereof this defendant humbly prayeth this honorable Court to have consideration: without that, that this defendant is farmor, or customary, or free tenant of any part or parcell of the said manors or other the premisses in the said bill mentioned, or hath in his hands any Court rols, rentals, or leases, concerning the premisses in the said bill mentioned other then as in his answer before is mentioned, as in the said bill of complaint is untruly surmised. And without that, that this defendant hath unlawfully confederated with any person or persons in the said bill mentioned, to defeat the said complainant of his lawfull execution and estate in the premisses in the said bill mentioned, as in the said bill of complaint is also untruly alledged. And the said Thomas Aynsworth for himselfe saith, that he hath and doth exercise the office of Baillie of the manor of S. in the said bill mentioned under and by the appointment of T. B. Esquire in the said bill mentioned, whom this defendant supposeth to be seised thereof of some estates of inheritance, and hath in his hands certaine rentals of the same manor, which rentals this defendant thinketh hee ought in duty to keepe and use to the benefit and service of the said Thomas B. and to employ the same according to his direction, and not otherwise. And further this defendant saith, that this defendant is farmor of parcell of the demesnes of the manor of S. aforesaid, which he holdeth for divers yeeres yet to come yeelding and paying therefore yeerely viii. li. viii. s. iiii. d. of lawfull money of England: and also holdeth by copie of Court roll at the will of the Lord of the said manor of Swanton Morley, according unto

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the custome of the said manor, divers lands and tenements within the precincts of the said manor, and yeelding yeerely for the same xl.s. or thereabouts, which rents this defendant thinketh are not payable to the plaintife, for that the rents reserved upon leases made of any parcell of the extended premisses before the knowledging of the said Statute, are not expressely extended nor delivered to the said complainant in execution. But the said complainant having extended and received the premisses into execution as demean in possession, is to stay and expect, till he may have and enjoy the same according to his extent, and to the delivery thereof made unto him. And further this defendant saith, That the said manor of Swanton Morley is, and at the time of the awarding of execution was, as this defendant thinketh, the inheritance of the said Thomas B. which hee then had by purchase from the said Lord M. since the knowledging of the said Recognisance. And in as much as the said Lord M. at the time of the knowledging of the said Recognisance, had and was seised in Fee simple, Fee taile, or for terme of life, as this defendant is credibly informed, and partly appeareth by the Schedule of the Livery of the said Lord M. of and in the manors of H. in the County of Eller, of the yeerely value of C. li. or thereabouts, and of and in the manors of F. and Todenhobery in the County of Hertford, of the yeerely value of xl. li. or thereabouts, and of a certaine yeerely rent of xxx. li. or thereabouts, going out of the manor of Shobington in the County of Buckingham, and of divers other manors, lands, tenements, and hereditaments, in divers other Counties of England which ought to be contributary to the payment of the said MCC. li. and therefore the same is unduly, and contrary to law charged upon the said manor of Swanton cum Worthing, which the said Thomas B. holdeth as a Feoffee, for which cause the said T. B. as this defendant supposeth, hath pursued his Scire facias against the said complainant in this honorable Court for the discharge of the said manor of Swanton cum Worthing from the said due execution, and from the recovery of the issues and profits comming and growing of the same manor from the time of the said execution. For which cause this defendant humbly prayeth this honourable Court that the said complainant may bee referred to the common law, to bring his action against this defendant for the recovery of the said rents due upon such leases and copholds as this defendant holdeth of the said manor of Swanton cum Worthing, wherein the validity of the said extent may bee tryed, so as this defendant may know to whom hee may pay his said rents, without danger or further trouble. And this defendant is ready to stand to such order as this honourable Court shal award concerning the shewing unto to the said complainant

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of his estate and terme which hee hath of and in any part of the said manor of Swanton cum worthing or holdeth of the same and other circumstances thereof, without that, that this defendant is farmor of customarie or free tenant of any other part or parcell of the said manors, or other the premisses in the said bill mentioned, or hath in his hands any Court rols, rentals, or leases concerning the premisses in the said bill mentioned, other then as in this answer before is mentioned as in the said bill of complaint is untruly alledged. And without that, that this defendant hath unlawfully confederated with any the persons in the said bill mentioned, to defeat the said complainant of his lawfull execution and estate in the premisses in the said bill mentioned, as in the said bill is falsely surmised. And the said Henry S. John for himselfe saith, that he hath and doth exercise the office of Baillie of the manors of Hockering &c. in the said bill mentioned, whereof this defendant supposeth Th. Lo. Esquire to be seised of some estate of inheritance, and hath in his hands certaine rentals of the said manors, which rentals this defendant thinketh hee ought in dutie to keepe and use to the benefit and service of the said M. Lovell, and to imploy the same according to his direction, and not otherwise. And further this defendant saith, that he this defendant is farmer of certain demesnes of the said manor of Hockering whereof hee holdeth some part for yeeres, and some for life by lease made by the said Lord Mo. whose estate the said M. Lo. now hath of and in the same, yeelding and paying therefor yeerely xxx.li. or thereabouts, which rent this defend. thinketh is not payable to the said complainant, for that the rents reserved upon leases made of any parcell of the extended premisses before the knowledging of the said Statute are not expressly extended nor delivered to the said complainant in execution. But the said complainant hauing extended and received the premisses into execution as demesne in possession, is to stay and expect til he may have and enjoy the same according to his extent, and the livery thereof made unto him. And further this def. saith, that the said manors of Hockering and Northuddenham are and at the time of the awarding of the said execution were as the def. thinketh the inheritance of T. L. which he then had by purchase from the said L. Mo. since the knowledging of the said recognisance. And in so much as the said L. M. at the time of the said recognisance had and was seised in fee simple, fee taile, or for terme of life, as this def. is credibly informed, and partly appeareth by the Schedule of the livery of the said L. M. of and in the manors of Halingburie Morley, and Salcot Verley in the County of Essex of the yeerely value of C.li. or thereabouts, and of and in the manors of Furner and Todenhebery in the County of Hertford of the yeerly value of xl.li. or thereabouts, and a certaine

yeerely

yeerely rent of 30.li. or thereabouts, going out of the manor of Shobington in the County of Buckingham, and divers other manors, lands, tenements, and hereditaments in divers other Counties of England, which ought to be contributory to the payment of the ſaid 1200. li. and therefore the ſame is unduly, and contrary to law charged upon the ſaid manors of Hockering and Northtuddenham, which the ſaid Maſter Lo. holdeth as a Feoffee, for which reaſon the ſaid Ma. Lo. as this defendant ſuppoſeth hath purſued his Scire facias againſt the ſaid compl. in this honourable Court for the diſcharge of the ſaid manors of Ho. and N. from the ſaid undue execution, and for the recovery of the ſaid iſſues and profits, comming and growing of the ſame manors from the time of the ſaid execution, for which cauſe this defendant humbly prayeth this honourable Court, that the ſaid complainant may be referred to the common law to bring his action againſt this defendant for the recovery of the ſaid rents due upon the ſaid leaſes and eſtates which this defendant holdeth of the ſaid manors, wherein the validity of the ſaid extent and execution may be tried, ſo as the ſaid defendant may know to whom to pay his ſaid rent without danger or further trouble, and this defendant is ready to ſtand to ſuch order as this honourable Court ſhall award concerning the ſhewing to the ſaid complainant of his eſtates and termes which hee hath of and in the ſaid parcell of the demeſnes of the ſaid manor of Ho. or holdeth of the ſame and other circumſtances thereof: without that, that this def. is farmer, coſtomary, or free tenant of any other part or parcell of the ſaid manors or other the premiſſes in the ſaid bill mentioned, or hath in his hand any Court-rolls, rentals, or counterpaines of leaſes concerning the premiſſes in the ſaid bill mentioned, other then in his anſwer before is declared, as in the ſaid bill of complaint is untruly alledged. And without that, that the ſaid defendant hath unlawfully confederated with any the perſons in the ſaid bill mentioned, to defeat the ſaid complainant of his lawfull execution and eſtate in the premiſſes in the ſaid bill mentioned, as in the ſaid bill of complaint is untruly alledged. And without that, that any other matter or thing in the ſaid bill of complaint mentioned materiall or effectuall to be anſwered unto, and not herein ſufficiently anſwered, confeſſed, and avoyded, traverſed, or denied, is to theſe def. or any of their knowledges true. All which matters theſe defend. are ready to averre and prove as this Ho. Court ſhall award, and pray to be diſmiſſed out of the ſame with their reaſonable coſts and charges in this behalfe moſt wrongfully ſuſtained.

A

A Bill into the Chancery for detaining of evidences, entring into a Meadow and Paſture, and making to themſelves divers eſtates.

To the reverend Father in God Thomas Biſhop of Ely, Lord Chancellor of England.

Sect. 151. IN moſt humble wiſe ſheweth and complaineth unto your good Lo. your daily Orator G. J. that where W. J. father to your ſaid Orator was ſeiſed in his demeſne as of fee of and in fifteene Acres of Paſture and Meadow, with the appurtenances in Clare in the Countie of Suffolke, and ſo being thereof ſeiſed died by proteſtation ſeiſed. After whoſe death the ſaid fifteene Acres of Paſture and Meadow, and all other the premiſſes with the appurtenances, deſcended and came, and of right ought to defend and come unto your ſaid Orator, as ſonne and heire unto the ſaid W. J. So it is if it may pleaſe your good L. that certaine evidences, deeds, charters, and other muniments concerning the premiſſes, are come to the hands and poſſeſſion of M. G. widow and A. G. who by colour of having the ſaid evidences, have entred into the premiſſes, and have conveyed unto them and their heires divers and ſundry eſtates in the law for the diſherſon of your ſaid Orator, and of his heires for ever: And becauſe your ſaid Orator knoweth not the certainty of the ſaid evidence, nor whether it be contained in bag or box ſealed, or in cheſt locked, hee is without remedy for the recovery of the ſame by the order of the common law, except your L. favor be unto him ſhewed in this behalfe: In conſideration whereof it may pleaſe your good L. the premiſſes conſidered, to grant a writ of Sub pœna to be directed to the ſaid M. G. widow, and A. G. commanding them by the ſame perſonally to appeare before your good L. in the Kings high Court of Chancery at a certaine day, and under a certaine paine by your good Lo. to be limited, there to anſwer unto the premiſſes, and after to abide ſuch decrees and order therein as to your good L. ſhall be thought to ſtand with right and conſcience: And your ſaid Orator ſhall daily pray for the preſervation of your L. honour long to indure.

The Anſwer of one of the defendants to the bill next before, who pleadeth that the plaintifes Father ſold the lands in the bill mentioned to T. H. who ſold the ſame to the defendants husband, who conveyed the ſame to the defendant for her life. And ſheweth That at the time of the ſaid purchaſe, and after, the premiſſes were in divers Feoffees in uſe, and ſheweth after-

afterwards the making of the Statute of 27. Henry 8. for transferring of uſes into poſſeſſion.

The Anſwer of M. G. Widow, to the bill of complaint of G. I.

THe ſaid defendant ſaith, that the ſaid bill of complaint is untrue, uncertaine, and inſufficient in the law to be anſwered unto, and the matters therein contained determinable at the common law, and not in this honourable Court, whereunto the ſaid defendant prayeth to be diſmiſſed, and the advantage thereof to the ſaid defendant alwayes ſaved, if ſhee ſhall be compelled to make any further anſwer unto the ſaid inſufficient bill. Then for the declaration of the truth, the ſaid defendant ſaith, That as to any Paſture or Meadow in Clare, the ſaid defendant knoweth not that ſhe is tenant of, or hath any that was belonging to the ſaid W. I. within the ſaid Towne or Parish of Clare, or detaineth any evidence concerning the ſame to her knowledge: the ſaid defendant ſaith, the ſaid W. I. mentioned in the ſaid bill of complaint, but together with I. W. alias Miller, I. F. &c. were ſeiſed of and in ſeven acres of Paſture and Wooze, and three acres and one roode of Meadow in S. in their demeſne as of fee to the uſe of the ſaid W. I. and of his heires, and ſo being thereof ſeiſed, the ſaid W. I. bargained and ſold the Paſture, Wooze, and Meadow laſt beforе remembred unto one T. H. and to his heires for ever. By vertue of which bargaine the ſaid W. I. and his ſaid other Coſeoffees were thereof ſeiſed in their demeſnes as of fee, to the uſe of the ſaid T. H. and of his heires, and after the ſaid W. I. died: and after whoſe death the ſaid I. W. &c. them held in by right of Survivourſhip, and were thereof ſeiſed in their demeſne as of fee, to the ſaid uſe laſt remembred: and being ſo ſeiſed to the ſaid uſe, the ſaid T. H. bargained and ſold the ſaid Paſture, Wooze, and Meadow, to one W. G. Gentleman, husband of the ſaid defendant, and to his heires: By vertue whereof the ſaid I. W. and others the ſaid Coſeoffes, were ſeiſed of and in the ſame, to the uſe of the ſaid W. G. and of his heires: and after for the further aſſurance thereof to the ſaid W. G. and his heires, the ſaid I. W. and the other his Coſeoffees ſo being ſeiſed of and in all the premiſſes, did enfeoffe W. B. Eſquire, G. F. Gentleman, &c. of and in the ſaid Paſture, Wooze, and Meadow: To have and to hold the ſame to the ſaid W. B. &c. and their heires and aſſignes, to the onely uſe and behoofe of the ſaid W. G. and of his heires and aſſignes for ever: By vertue whereof the ſaid W. B. &c. were thereof ſeiſed in their demeſne as of fee, to the onely uſe of the ſaid W. G. and of his heires and aſſignes for ever

Sect. 151.

ever, and so were thereof seised untill the fourth day of February, in the seven and twentieth yeere of the raigne of our Soveraigne Lord King Henry the 8. At which day the said W. G. was seised, of, and in the premisses in his demesne as of fee, and by vertue thereof the said W. G. and his assignes have ever since enjoyed the premisses peaceably and quietly without interruption, untill now of late within these twelve moneths that the said compl. pretended title unto the same. The estate of which W. G. of and in the premisses with their appurtenances the said defend. for terme of her life the reversion over unto A. G. gentleman by lawfull conveiance in the law now hath: without that, that any thing materiall or traversable, other then that in this present answer is confessed and avowed, is true. All which matters the said defen. doth averre, and is ready to prove, as this honourable Court shall award, and prayeth to be dismissed out of the same, with her reasonable costs for her wrongfull vexation sustained in this behalfe.

The Replication of the complainant to the Answer of one of the defendants (whose Answer is not here) wherein he confesseth the sale of the said lands by his father, as before in the Answer of one other of the defendants is alledged, but saith it was made upon condition of redemption, the which condition the Vendor performed, &c.

The Replication of G. I. to the answer of A. G.

Sect. 153.

THe said complainant saith, that his said bill is certaine and sufficient in the law to bee answered unto, and the matters therein contained are true, and not imagined of malice by the said complainant, to the onely intent and purpose to put the said defendant to trouble, cost, and vexation, in manner and forme as in the said answer is untruely alledged. And for Replication unto the said answer the said complainant saith as he in his said bill hath said, that the said W. J. father to the said complainant was seised of the premisses in his demesne as of fee, in use or in possession. And the said W. J. so being thereof seised by his deed indented bearing date the 4. day of November, in the xxii. yeere of the late King Henry the eight, bargained and sold the premisses unto the said T. H. his heires and assignes for ever, for the summe of fortie markes, whereof the said T. H. payed unto the said W. H. twenty markes, and the other twenty markes to bee payed unto the said W. J. at the Feast of S. Nicholas, which was in the yeere of our

our Lord God 1534. Nevertheless the said T. H. covenanteth and granteth by the said Indenture, that if the said W. J. his heires, executors or assignes, at the said feast of Saint Nicholas, or in the meane time before, did repay unto the said T. H. his heires, executors, and assignes, the said twenty markes, that then the said bargaine and sale to be void, and of none effect, as by the said Indenture ready to be shewed more plainly doth and may appeare, by force whereof the said W. J. and the other his cofeoffees, were seised of the premisses to the use of the said T. H. and of his heires. And after the said W. J. according to the said Indenture, and before the said feast of Saint Nicholas, did well and truly content and pay unto the said T. H. the said summe of twenty markes, by force whereof the said W. J. and the other his cofeoffees were seised of the premisses in their demesne as of fee to the use of the said W. J. and of his heires: and the said W. J. and the other his cofeoffees so being thereof seised, the said W. J. died, after whose death the residue of the said feoffees were seised of the premisses to the use of the said complainant and of his heires, until the fourth day of February, in the 27. yeere of the late King Henry the eight, at which day the said complainant was solely seised: And further averreth all and every thing contained in his said bill to be true, in manner and forme as he in his said bill hath alledged, without that the said W. J. bargained and sold the premisses unto the said T. H. and to his heires in such manner and forme (without condition) as in the said answer is untruly alledged: And without that, that the said T. H. did lawfully bargaine and sell the premisses unto the said W. G. and to his heires: Or that the said W. J. and his cofeoffees were lawfully seised of the premisses to the use of the said W. G. and of his heires: Or that the said feofees did or might lawfully enfeoffee the said W. B. and others named in the said answer to the use of the said W. G. and of his heires. Or that the said W. B. and the other his cofeoffees were lawfully seised of the premisses to the use of the said W. G. and of his heirs. Or that the said W. G. at the said fourth day of February, was lawfully and solely seised of the premisses in fee: Or did lawfully and peaceably enjoy the premisses: Or that the said M. G. mother of the said defendant hath any lawfull estate from the said W. in manner and forme as in the said answer is untruly alledged: And without that, that any other thing materiall in the said answer, which by this Replication is not sufficiently confessed and avoided or traversed is true: All which matters he is ready to averre, &c.

A

A Bill into the Chancery for a Commiſſion upon the Statute of 13. El. ca. 7. entituled, An Act touching order for Bankrupts, and all the whole proceedings therein.

To the right Honourable Sir Nicholas Bacon Knight,
Lord Keeper of the great Seale
of England.

Sect. 154. HVmbly complaining, ſheweth unto your good L. your daily Oꝛatoꝛs T. B. of C. in the County of D. Clothier, W. H. of L. Gꝛocer, R. G. Merchant, ſubjects boꝛne of this Realme of England, aſwell foꝛ themſelves as foꝛ others, ſubjects boꝛn of the ſaid Realm, and Denizens, creditoꝛs of C. A. of L. Merchantailoꝛ, alſo a ſubject boꝛne of the ſaid Realme. That whereas the ſaid C. A. uſing and exerciſing the trade of Merchandiſe, and ſeeking his trade of liuing by buying and ſelling, upon good and iuſt cauſe foꝛ waꝛes and Merchandiſe to him ſold and deliuered, and alſo foꝛ ready money to him lent, being indebted to your ſaid Oꝛatoꝛs in ſeuerall ſumms of money, amounting to the value of 300. li. And now of late, that is to ſay in this preſent moneth of November, in the xv. yeere of the raigne of our ſoueraigne Lady the Q. Maj. about the ſecond day of the ſaid moneth of November, did begin to keep his houſe, ſcituate in the ſaid City of London, and ſithence hath departed from his ſaid dwelling houſe, and abſented himſelfe, to the intent to defraud and hinder your ſaid Oꝛatoꝛs and other his creditoꝛs of their iuſt debts and duties to them due and owing, and ſo is become a Bankrupt: by reaſon whereof, and foꝛ that the ſaid Bankrupt, and others his Confederates haue deuiſed and contriued diuers ſecret eſtates and ſiniſter pꝛactiſes foꝛ the conueying and eſſoyning of the body of the ſaid Bankrupt, and of all lands, goods, debts, and other things belonging to the ſaid Bankrupt, in ſuch wiſe, as your Oꝛatoꝛs are without help foꝛ recouering oꝛ obtaining of their ſaid iuſt debts and duties, but onely by complaint to your good Lꝛdſhip, and thereupon to haue remedy acꝛding to the Statute touching oꝛders foꝛ Bankrupts, in the Parliament begun and holden at Weſtminſter the ſecond day of Apꝛill, in the xlii. yeere of the raigne of our ſaid ſoueraigne Lady the Queenes Majeſtie made and pꝛouided. In conſideration thereof, may it pleaſe your good Lꝛdſhip to grant the Q. Majeſties moſt gratious Commiſſion to bee directed to ſuch and ſo many wiſe and honeſt diſcreete perſons as to your L. ſhall ſeeme good: Authoꝛiſing them not onely concerning the ſaid Bankrupts body, lands, freehold, and cuſtomary goods, debts, and other things whatſoeuer, but alſo concerning

all

all other perſons which by concealement claime, or otherwiſe, do, or ſhal offend touching the premiſſes, or any part thereof, contrary to the intent and true meaning of the ſaid Statute, to do and execute all and every thing and things whatſoever, aſwell towards and for ſatisfaction and payment of your ſaid Orators, as towards and for all other intents and purpoſes, according to the ordinance and proviſion of the ſaid Statute: And your ſaid Orators ſhall daily pray, &c.

The Commiſſion upon the Statute of 13. *Elizabeth Cap.* 7. *made againſt Bankrupts and granted to the Creditors upon the Bill next before.*

ELizabeth by the grace of God Qu. of England, France, and Ireland, defendor of the faith, &c. To our truſty and welbeloved Sir Rowland Heyward Knight, John Langley Alderman of our City of London, Thomas Hatton, Thomas Alderſey, Thomas Egerton mercers, and William Wignall Merchant Taylor of our ſaid City of London, greeting. Whereas we be enformed, that C. A. of London Merchant Taylor uſing and exerciſing the trade of merchandiſe by way of bargaining, and ſeeking his trade of living by buying and ſelling, and being a ſubject borne of this our Realme of England, in this preſent moneth of November, in the fifteenth yeere of our raigne, viz. about the ſecond day of the ſame moneth, did begin to keep his houſe ſcituate in London aforeſaid, and ſithence hath departed from his ſaid dwelling houſe, and abſented himſelfe, to the intent to defraud and hinder T. B. of C. in the County of Devonſhire Clothier, W. P. of London Grocer, M. G. Merchant, and others his creditors, being alſo ſubjects borne of this our ſaid Realme, of their juſt debts and duties to the due and owing, and ſo is become a Bankrupt, We minding them due execution of the Statute touching orders for Bankrupts in our Parliament holden at Weſtminſter, in the thirteenth yeere of our raigne, made and provided, upon truſt of your wiſedomes, diligence, and prudent circumſpections, which we have conceived in you, do by theſe preſents name, aſſigne, appoint, conſtitute, and ordaine you our ſpeciall Commiſſioners, giving full power and authority unto you, five or foure of you, whereof they the ſaid Sir Row. H. J. L. or T. H. to be one, according to the ſaid Statute, not onely concerning the ſaid Bankrupt, his bodie, lands, freehold, and cuſtomary goods, debts, and other things whatſoever, but alſo concerning all other perſons, which by concealement, claime, or otherwiſe, do or ſhall offend touching the premiſſes, or any part thereof, contrary to the intent and true meaning of the ſaid Statute, to do and execute according to the Sect. 155.

ſaid Statute all and every thing and things whatſoever as well for and towards ſatisfaction and payment of the ſaid creditors, as towards and for all other intents and purpoſes, according to the ordinance and proviſion of the ſaid Statute: Willing and commanding you, five or foure of you, whereof Sir Row. H. I. L. or T. H. to be one, to proceed to the execution and accompliſhment of this our Commiſſion, according to the true intent and meaning of the ſaid Statute with all diligence and effect as our ſpeciall truſt is in you: Witneſſe our ſelves at Weſt. the fifth day of November, in the fifteenth yeere of our raigne.

A precept from the ſaid Commiſſioners, to the Officers, to make Proclamation according to the ſaid Statute againſt Bankrupts, that the ſaid Bankrupt before a day certaine come in and yeeld his body to the Commiſſioners or to one of them.

To the Bailiffes and head officers of the Borough of Southwarke.

Sect. 156. WE the Commiſſioners hereafter named by vertue of the Q. Highneſſe Commiſſion, to us directed, require and charge you five ſundry market dayes, next enſuing the receit hereof, to make five ſundry Proclamations in manner and forme hereunder ſpecified.

The Proclamation.

Sect. 156. THe Q. highneſſe doth ſtrictly charge and command C. A. Merchant Taylor of the City of London, that he at or before the day of next comming into Guildhall of London, or where you ſhall appoint, yeeld his body before Sir Row. Heyward Knight, or before ſome one of the ſaid Commiſſioners appointed by her highneſſe under her great ſeale of England, till the due execution of the ſtatute touching orders for Bankrupts lately made and provided, upon paine and perill of the penalty of the law in that caſe limited and appointed.

An Indenture upon the ſaid Commiſſion and Statute of Bankrupts betwixt Commiſſioners of the one party, and the creditors of the other party, whereby the Commiſſioners after view, ſearch and preſentment made, ſell certain of the goods of the debtors unto the creditors in part of ſatisfaction of their debts, with a Schedule annexed unto the ſaid Indenture which is likewiſe indented, wherein are contained the particulars of the goods with their ſeverall prices, as they are prized by the Commiſſioners, to the one of which Indentures is put to the hands and ſeales of the ſaid Commiſſioners, and to the other of the ſaid Indentures the hands of the creditors.

This

THis Indenture made, &c. Between Sir R. H. Knight, A. B. C. D. E. F. of the one party, and G. H. and I. K. creditors of C. A. Citizen and Merchant Taylor of London on the other party, witneſſeth, That where our ſaid Soveraigne Lady the Queenes Majeſty that now is, by her Highneſſe Letters of Commiſſion, bearing date at Weſtminſter the fifth day of November laſt paſt, before the date hereof, minding the due execution of the ſtatute touching orders of Bankrupts in her Parliament holden at Weſtminſter in the thirteenth yeere of her Highneſſe ſaid raigne made and provided, reciting, That whereas her Majeſty was enformed, That C. A. of London Merchant Taylor, uſing and exerciſing the trade of Merchandiſe, by way of bargaining, and ſeeking his trade of living by buying and ſelling (and being a ſubject borne of this her Realme of England) in the ſaid moneth of November, in the fifteenth yeere of her Majeſties raigne, that is to ſay, about the ſecond day of the ſaid moneth, did begin to keep his houſe, ſcituate in London aforeſaid, and ſithence hath departed from his ſaid dwelling houſe, and abſented himſelfe, to the intent to defraud and hinder his creditors, being alſo ſubjects borne of this her ſaid Realme of England, of their juſt debts and duties to them due and owing, and ſo is become a Bankrupt, hath aſſigned, appointed, conſtituted, and ordained the ſaid R. H. &c. her eſpeciall Commiſſioners, giving full power and authority unto them, five, or foure of them, whereof the ſaid Sir R. H. to be one, according to the ſaid Statute, not onely concerning the ſaid Bankrupt his body, lands, freehold, and cuſtomarie goods, debts, and all other things whatſoever, but alſo concerning all other perſons which by concealement, claime, or otherwiſe, do or ſhall offend touching the premiſſes, or any part thereof, contrary to the intent and true meaning of the ſaid Statute, to do and execute according to the ſaid Statute, all and every thing and things whatſoever, as well towards and for ſatisfaction and payment of the ſaid creditors, as towards and for all other intents and purpoſes, according to the order and proviſion of the ſaid Statute in that caſe provided, as by the ſame Commiſſion more plainely it doth and may appeare: By force and vertue of which ſaid Statute, and of the ſaid Commiſſion, the ſaid Commiſſioners have cauſed certaine goods, chattels, wares, and Merchandiſes of the ſaid C. A. contained and mentioned in a Schedule indented to theſe preſents annexed, to be ſearched, viewed, and appriſed: And alſo have ſold and delivered, and by theſe Preſents do ſell and deliver unto the creditors aforenamed, all the ſaid goods, chattels, Wares, and Merchandiſes, contained and mentioned in the ſaid Schedule indented, to theſe Preſents annexed. To have and Sect. 158.

to hold the ſame, and every part thereof to the ſaid creditors before named, their executors, adminiſtrators, and aſſignes, to their own proper uſes for ever toward the ſatisfaction and payment of the ſaid creditors, viz. to every of the forenamed creditors a portion, rate, and ratelike, according to the quantity of the debts. In witneſſe whereof the ſaid parties to theſe Indentures interchangeably have ſet to their Seales. Given the day and yeere firſt above written.

The intituling of the Schedule mentioned in the Indenture next before written and annexed to the ſame Indenture.

Sect. 159. IN this Schedule indented is contained and mentioned certain goods, wares, cattels, and merchandiſe late of C. A. Merchant tailor, which be ſold by the Indentures, whereunto the Schedule indented is annexed, viz. in his houſe in L. in the Parish of G. in London, *Imprimis, &c.*

A bill into the Chancery againſt one, by a priſoner in the Fleet to compell the defendant to proceed in an agreement made betwixt the plaintife and the defend. for his enlargement, by the order of the L. Chancellor then dead.

To the right reverend Father in God, Nicholas Archbiſhop of Yorke, and Lord Chancellor of England.

Sect. 160. MOſt humbly complaining, ſheweth unto your Grace, your daily and poore Orator W. P. of P. in the County of Cheſter Gentleman, now being priſoner in the Fleet, at the ſuit of R. D. of the ſame County Eſquire, committed thereunto by the late reverend Father in God the Biſhop of Ely, being then Lord Chancellor of England, of, and upon a Statute of 200. li. which ſuit of the ſaid R. D. hath thus remained the ſpace of Eight or nine yeeres, to the great miſery and utter undoing of your Graces ſaid Orator. And where divers agreements, with other divers meanes have beene taken and made betweene the ſaid R. D. and your ſaid Orator, and eſpecially the laſt day of May, in the laſt yeere of our ſaid Soveraigne Lord King Edward, before Doctor Lyell, and Maſter Dyer, appointed then by the ſaid late Lord Chancellor, where it was agreed betweene the ſaid R. D. and your Graces ſaid Orator, that your ſaid Orator ſhould bee bound in a thouſand pounds, that he ſhould not alienate nor ſell any parcell of his lands, nowbeing in his poſſeſſion, or to him in reverſion: And all ſuch lands that were ſold by your ſaid Orator, that your ſaid Orator ſhould endevour with all diligence to recover the ſame againe: And furthermore it was agreed and ordered betweene the ſaid R. D. & your ſaid Orator, that your ſaid Orator ſhould put in ſureties

to

to pay unto the ſaid R. D. 50. li. of lawfull money of England, that is to ſay, 5. li. yeerely during ten yeeres next inſuing: All which orders and agreements your Graces ſaid Orator is contented to accompliſh and fulfill: Yet notwithſtanding the ſaid R. D. minding rather the continuance of your ſaid Graces Orator in priſon to his undoing, will neither obey the late H. Lord Chancellors order then made therein, nor yet the agreements heretofore made, but only doth find delates or prolonge the time, to the utter undoing of your Graces Orator. In conſideration whereof the premiſſes tenderly conſidered, it may pleaſe your Grace to commaund the ſaid R. D. to appeare before your Grace, and to take ſuch order with him as ſhall ſeeme beſt to your Grace. And your ſaid Orator ſhall pray for your Grace long to continue.

A Bill into the Chancery by the husband and wife, for and on the behalfe of divers, to compell executors to pay legacies, wherein is ſhewed, that they to whom the legacies be given have no remedy by the Eccleſiaſticall Law to compell the then executors to pay the ſaid legacies.

To the right Honourable Sir Nicholas Bacon Knight, Lord Keeper of the great Seale of England:

IN moſt humble wiſe complaining ſheweth unto your Honours good Lordſhip, your daily Orators A. T. Eſquire, and Katherine his wife, late wife unto R. B. deceaſed, and one of the daughters of William W. of B. in the County of Warwick Eſquire deceaſed, for and in the behalfe of William C. ſonne of the ſaid Katherine, and for and in the behalfe of Mary T. and E. T. daughters of the ſaid A. and Katherine, and of W. G. ſonne of Edward G. Knight, of the body of Margaret G. one other of the daughters of the forenamed W. W. lawfully begotten, Edward M. and Anne his wife, one of the daughters of the forenamed Edward G. and Margaret, and Thomas M. and Elizabeth his wife, one other of the daughters of the ſaid Sir Ed. and Margaret. That whereas the foreſaid William W. in his life time had iſſue ſeven daughters that is to ſay, Margerie late wife of Tho. H. Eſquire, and after that wife to the Ho. Sir C. A. Knight, one of the Queenes moſt honourable priviе Councell, and now Chancellor of her Highneſſe Duchie of Lancaſter, Godith wife to B. F. Eſquire, Elizabeth late wife of Edward B. Eſquire deceaſed, Mary wife of William S. Eſquire, Margaret wife of the ſaid Sir Edward G. Anne wife of Francis Po. Eſquire, and Katherine, one of your ſaid Orators. And whereas alſo the ſaid W. W. in his life time was poſſeſſed of and in divers goods and chattels, houſhold ſtuffe, Sect. 163.

plate, jewels, and also entituled to certaine debts amounting to the value of 10000. li. or thereabouts, and so being thereof possessed and entituled, did constitute and make his Testament and last Will, and by the same did bequeath, give, and devise to divers and sundry persons divers great legacies particularly and certainly set forth in the said last Will, amounting in the whole to the sum and value of 3500. li. or thereabouts, And the residue of all his goods, chattels, and debts due unto him after his funerall expences performed, his debts paid, and all his legacies and bequests particularly contained and mentioned in his said Will fulfilled, performed and paid, he the said W. W. by his said Testament and last Will did give and bequeath to the preferment of all the children comming of his said six eldest daughters, and to W. T. Mary T. and Katherine T. three of the children of the said Katherine, now wife of the said Anthony T. youngest daughter of the said W. W. to be equally devided amongst them by discretion of his executors: And by the same his Testament and last Will he did ordaine, nominate, and make the said honourable Sir A. C. Knight, now deceased, Basil F. and W. S. Esquires, and one W. B. Esquire deceased, his executors, as by the same his Testament and last Will more at large it doth and may appeare: And afterwards, in the moneth of May, in the second and third yeeres of K. Philip and the late Qu. Mary, he the said W. W. died possessed of the said goods, chattels, and debts, amounting to about the sum or value of 10000. li. After whose decease, the said executors did take, administer, and agree to the said Testament, which speciall legacies aforesaid, either be or might have beene by the said executors long sithence fulfilled, satisfied, and paid, so as the residue should and ought to come to the said children, according to the said Will. And although your Orators have divers and sundry times required the said executors to make payment of so much of the residue of the said goods, chattels, and debts, as to them appertained, yet that to do, they and every of them have hitherto refused and denied, contrary to right, equity, and good conscience. In consideration whereof, and for as much as your said Orators cannot certainly tell and declare the severall parcels of the said goods, chattels, and debts, nor what the said executors have paid or received for any manner of debts owing by or to the said W. W. by reason whereof, they are unable to prosecute for their remedy in the premisses at and by the order of the Ecclesiasticall lawes of this Realme. May it therefore please your good L. to grant the Qu. Majesties writ of Sub pœna, to be directed to the said executors, &c. commanding &c.

A

A bill containing that a lease of a Rectory, and the buildings, glebe lands, and Tythes was made by the Dean and Chapter of a Colledge in Oxford, to the plaintifes father for terme of yeeres, reserving a rent: And that the same by force of the said lease was long possessed. That the said lease came to the plaintife by meane conveyance, and that continuing the terme, the defendant suggesting to the said Deane and Chapter, That the said Rectory and Tythes were occupied by the plaintife without lease or title, having a purpose to conceale and defraud the said Colledge of the said Rectory and Tythes, became a suitor to the now Deane and Chapter to have a lease of the said Rectory and Tythes for 21. yeeres, and thereupon obtained a lease thereof for 21. yeeres, yeelding for it the accustomed rent, with an augmentation of rent corne. That the defendant having obtained a lease of the said Rectory and Tythes for 21. yeeres, sued the plaintife for the same in the Exchequer at West. in a Quo minus, *and that he did interrupt the plaintifes possession: And then the plaintife prayeth an Injunction for stay of the said suit, and for the establishing of his possession and processe against the defendant, and the Deane and Chapter to answer the bill.*

To the right Honourable Sir Joh. Puckering Knight, Lord Keeper of the great Seale of England.

IN most humble wise complaining sheweth unto your good Lordship your daily Orator T.B. of N. in the County of C. Esquire, That whereas the Dean and Chapter of Christs Church in the University of Oxford, were seised in their demesne as of fee, in the right of their said Church, of and in the Rectory and Parsonage of R. with the appurtenances in the said County of C. being a Parsonage impropriate, and being so thereof seised by their Deed indented, sealed with their common Seale (the certaine date whereof to your said Orator is unknowne for want of having the same) did for the considerations in the said Indenture specified, demise, grant, and to farme let all the said Rectory and Parsonage of R. with the appurtenances, and all manner of houses, barns, glebe lands, tithes, fruits, profits, and advantages whatsoever to the same Rectory and Parsonage belonging, or in any wise appertaining unto one R.B. late of N. in the said County of C. Esquire, deceased, father unto your said Orator, for a number of yeeres yet entring, reserving thereby a great annuall rent (the tithes of the Vicarage of R. aforesaid, and the patronage and disposition thereof, and all the woods and timber trees of the said Parsonage alwaies excepted and forprised out of the said lease) which said estate, interest, & terme of yeers of him the said R.B. of & in the said Rectory, your Lo. said Orator by good Sect. 162.

and sufficient conveyance and assurance in the law now hath, by vertue of which said lease, as well the said R. B. in this life time, as also your said Orator since the death of the said R. have by the space of many yeeres together beene lawfully possessed of the said rectory, and have severely from time to time since the making of the said lease quietly and peaceably received, levied, taken, and injoyed in their severall times all the issues, commodities, and profits thereof, to their owne proper use and behooves, without the disturbance, let or interruption of any person or persons whatsoever, untill now of late. So it is if it may please your good Lordship, That one J. D. of D. in the said County of C. Esquire, having by some casuall meanes gotten into his hands and custody the said Indenture of lease made to the said R. B. of the said Rectory by the said Deane and Chapter, as aforesaid, and divers other writings, and meane conveyances concerning the same, of right belonging to your said Orator, became an earnest suiter unto William J. Doctor of Divinity, Deane of Christs Church in Oxford aforesaid, R. P. L. T. &c. being the Chapter of the same Church, to procure a lease unto him the said J. D. from the said Deane and Chapter of the Tythes of the severall Townships, Hamlets, and places of H. P. &c. which said Townships, Hamlets, and places, are scituate, lying, and being within the limits and precincts, of the said Rectory formerly demised to the said R. B. as aforesaid, the said J. D. untruly suggesting unto the said Deane and Chapter, that the Tythes of those severall Townships, were concealed from the said Deane and Chapter: And that they had no rent or revenue at all to them therefore answered or paid by your said Orator, nor by any other person or persons, unto which said suit and accomplishment thereof, the said Deane and Chapter, as your Orator hath beene credibly informed, would not of long time consent upon suspition by them conceived, That the said J. D. had some purpose or intent to procure from them a lease of some such Hamlets and Townships as were formerly demised unto the said R. B. by the generall name of the Rectory of R. wherein the said severall Townships were included, whereby the said J. D. might impeach and call in question the validity of the said lease made to the said R. B. and thereupon the said Deane and Chapter did affirme and declare to the said J. D. that they would not demise or grant unto him the the said J. D. any thing that was comprised in the said lease made to the said R. B. mentioned or intended to bee demised unto him the said R. B. in or by the same: unto whom the said J. D. made answer, That the said Tythes of the said severall Townships and Hamlets before mentioned, were not at all demised by the said Deane and Chapter to the said R. B. and that his purpose was not to challenge any thing by demise

from

from them which was formerly letten to the ſaid R. B. but onely ſuch things that were concealed from the ſaid Deane and Chapter, for which hee would yeerely anſwer and pay unto the ſaid Deane and Chapter the old accuſtomed rent with an augmentation of a yeerely revenue of corne, according to the forme of the Statute in ſuch caſes provided. Whereupon the ſaid Deane and Chapter giving credit to the ſaid J. D. and willing to recontinue ſuch things as the ſaid J. D. affirmed to be wrongfully concealed and detained from them, and thereby to increaſe their yeerely revenue, and having withall a great reſpect not to prejudice your ſaid Orator by any leaſe they ſhould make to the ſaid J. D. nor to leaſe any thing demiſed to the ſaid R. B. did at the importunate ſuit of the ſaid D. in July, in the xxiiii. yeere of the raigne of our gracious Soveraigne Lady the Queenes Majeſtie that now is, by their Indenture ſealed with their common ſeale, demiſe, and to farme let to the ſaid J. D. all their tithes, of what nature, kinde, or quality, ſoever of the ſaid ſeverall Townſhips and hamlets before mentioned, the ſame being within the ſaid precinct of the ſaid rectory of R. as aforeſaid, from the feaſt of Saint John the Baptiſt laſt paſt before the date of the ſaid Indenture, unto the end and terme of 21. yeeres. The ſaid Deane and Chapter then verily ſuppoſing, that none of the tithes of the ſaid Townſhips were included or compriſed in the ſaid leaſe of the ſaid rectory of R. made to the ſaid R. B. but that the ſame were other things exempted out of the ſaid leaſe, and concealed and wrongfully detained from the ſaid Deane and Chapter, and not within the limits and bounds of the ſaid Rectory. By colour of which ſaid leaſe procured by the ſaid J. D. by ſuch practiſes and meanes as aforeſaid, and by having in his hands the ſaid Indenture of leaſe made to the ſaid R. B. of right belonging to your ſaid Orator, the ſaid J. D. hath of late not onely many wayes interrupted your ſaid Orators poſſeſſion of and in the tithes of the ſaid Townſhips and hamlets, but hath alſo thereupon attempted ſuit in her Majeſties Court of Exchequer at Weſtminſter by writ of Quo minus againſt your ſaid Orator for the taking and carrying away of divers parcels of the ſaid tithes growing and renewing within the ſaid ſeverall townſhips and hamlets. And albeit your ſaid Orator hath divers and ſundry times in gentle manner required the ſaid J. D. not onely to deliver unto your ſaid Orator the ſaid Indenture of leaſe ſo made to the ſaid R. B. together with the ſaid other writings and meane conveiances, of right belonging to your ſaid Orator, but alſo quietly to permit and ſuffer your ſaid Orator to have and injoy the premiſſes, according to right, equity, and conſcience: Yet that to do the ſaid J. D. hath alwayes denied and refuſed, and yet doth denie and refuſe, challenging the ſame by vertue of the

ſaid

ſaid ſuppoſed leaſe made to him by the ſaid Dean and Chapter contrary to all equity and good conſcience. In tender conſideration whereof, and for as much as your ſaid Orator knoweth not the certaine date and contents of the ſaid leaſe made to the ſaid R. B. and of the meane conveiances aforeſaid, nor wherein the ſame be contained, wherby your ſaid Orator is remedileſſe for the recovery of the ſame, by the order of the common law: neither is hee able to plead the ſaid leaſe in certainty at the common law, whereby he ſhall juſtifie his right and title to the ſaid tithes by him lawfully taken as aforeſaid. And for that the ſaid Deane and Chapter were ſo abuſed by the inſinuations and untrue pretences of the ſaid I. D. and had no purpoſe at all to impeach the ſaid leaſe made to the ſaid R. B. nor your Orator his title to the ſaid tithes and other the premiſſes claimed by vertue of the ſame, nor yet to demiſe or grant any thing to the ſaid I. D. that was compriſed, and intended to be demiſed in and by the ſaid Indenture of leaſe made to the ſaid R. B. May it therefore pleaſe your good L. the premiſſes tenderly conſidered, to grant unto your ſaid Orator her Majeſties moſt gracious writ of Sub pœna to be directed to Will. I. Deane of Chriſts Church aforeſaid, and to the ſaid R. P. T. T. &c. and to the ſaid I. D. who is uſually reſident within the City of London, commanding them and every of them thereby under a paine therein to bee limited, to appeare before your L. in her Majeſties high Court of Chancery, immediately then and there to anſwer the premiſſes: and alſo to grant unto your ſaid Orator her Majeſties moſt gracious writ of Injunction for the eſtabliſhing of your ſaid Orators poſſeſſion, of and in the ſaid Rectory, and other the premiſes, and for the ſtay of all actions commenced or to be commenced againſt your ſaid Orator at the common law, upon or by colour or pretence of the ſaid leaſe ſo unduly procured by the ſaid I. D. from the ſaid Deane and Chapter, and further to ſtand to and abide ſuch order herein as to your good L. ſhall ſeeme to ſtand with juſtice and equity. And your ſaid Orator ſhall daily pray your L. for in all honour and happineſſe long to continue.

T. B.

E. C.

R. C.

The Anſwer of I. D. Eſquire, one of the defendants, to the untrue bill of complaint of T. B. Eſquire, complainant.

THe ſaid defendant ſaith, that the ſaid Bill of complaint is very untrue, uncertaine, and inſufficient in the law to bee anſwered unto, not containing any ſufficient matter or juſt cauſe of ſuit againſt this defendant, but onely deviſed and contrived by the complainant, to put him as it ſeemeth to wrongfull vexation, coſts, charges, and expences in the law without any juſt cauſe of ſuit, whereof this def. doth demand judgement of this ho. Court, and prayeth to be diſmiſſed out of the ſame. Nevertheleſſe, if this def. ſhall bee compelled to make any farther anſwer to the ſaid bill of complaint, ſaith, that he underſtanding the ſaid leaſe for yeeres mentioned in the ſaid bill of complaint made to the ſaid R. B. father of the ſaid compl. to be a meere void leaſe, and of no force and validity in the law, for that the ſame leaſe was not demiſed by the Dean and Chapter, but by the Dean, with the aſſent and conſent, of the Chapter, procured divers letters of ſundry hon. perſons to the ſaid Dean and Chapter of Chriſt Church of Oxenford, named in that ſaid bill of complaint in this def. behalfe and favour for the obtaining of a leaſe for yeeres of the ſaid Deane and Chapter, the which ſaid Deane and Chapter at the requeſt and contempl. of thoſe letters, by their Indenture under their Chapter Seale, did amongſt other things demiſe and to farme let unto this def. all that their tithe corne and graine, comming, renuing, and yeerly growing in the Townſhips or Towns and fields mentioned in the ſaid bill of complaint for terme of xxi. yeeres, by vertue of which demiſe to him made, this def. taketh himſelfe lawfully intereſted and intituled in and to the ſaid tythes demiſed unto him, and becauſe this def. meant to proceed in a plaine, upright and lawfull courſe in law againſt the ſaid compl. for the triall of the validity of his ſaid pretended leaſe, brought his action in the Court of Exchequer by way of Quo minus againſt the ſaid complainant and others, and as it ſeemeth note to this defendant the ſaid complainant perceiving the weakneſſe and invalidity of his owne title, upon fained and untrue ſurmiſes hath exhibited the ſaid bill of compl. into this ho. Court, to vex and trouble this def. and the other defendants named in the ſaid bill of compl. to maintaine and continue his wrongfull poſſeſſion by a void leaſe, and of no validity in law, as to your L. for the cauſe aforeſaid may appeare, which ſaid leaſe the ſaid complainant to the great prejudice and hinderance, of the ſaid Colledge and Students thereof, laboureth and ſeeketh to enjoy, being void in law, and which leaſe if it were a good leaſe ſhould endure and continue for many more yeeres Sect. 163.

then

then the leaſe made to this defendant, and would be leſſe in yeerely rent and benefit of the ſaid Colledge, then this defendants leaſe will be, reſpect being had to the things demiſed: And therefore as this defendant thinketh, the ſaid complainant is not to bee relieved by any equity, or maintained in poſſeſſion upon a meere void leaſe in law, ſince that by colour of the ſaid void leaſe the ſaid complainant and his father have received ſo great a profit for many yeeres paſt: without that, that the defendant hath by any cafuall meanes gotten into his hands and cuſtody the ſaid Indenture of leaſe made to the ſaid R. B. of the ſaid rectorie by the ſaid Deane and Chapter, and divers other writings and meane conveyances concerning the ſame, of right belonging to the ſaid complainant, as moſt untruly by the ſaid bill of complaint is alledged, for that he ſaith, that he never had the ſaid ſuppoſed leaſe, nor any meane conveyance thereof, or that the ſaid Deane and Chapter ever at any time made any ſuch leaſe to the ſaid R. B. father of the ſaid complainant, as the ſaid complainant ſurmiſeth, but ſuch a leaſe as in this defendants anſwer is before alledged, or that the defendant untruly ſuggeſting unto the ſaid Deane and Chapter the other defendants in the ſaid bill of complaint, that the tithes in the ſaid ſeverall Townſhips mentioned in the ſaid bill of complaint were concealed from the ſaid Deane and Chapter, and that they had no rent or revenew at all to them therefore anſwered or paid by the ſaid complainant, nor by any other perſon or perſons, as moſt untruly is alledged and ſurmiſed by the ſaid bill of complaint, or that the ſaid Deane and Chapter did affirme and declare to this defendant, that they would not demiſe or grant unto him this defendant any thing that was compriſed in the ſaid leaſe made to the ſaid R. B. or that was mentioned or intended to be demiſed to him in the ſaid R. in or by the ſame leaſe. Or that upon any ſuch affirmation this defendant made anſwer, That the tithes of the ſaid ſeverall townſhips mentioned in the ſaid bill of complaint, were not demiſed by the ſaid Dean and Chapter to the ſaid R. B. And without that, that this def. alledged, that his purpoſe was not to challenge any thing by demiſe from them, which was formerly letten to the ſaid R. B. but only ſuch things as were concealed from the ſaid Deane and Chapter, as moſt untruly is alledged by the ſaid bill of complaint, but he ſaith that he affirmed if he might have a leaſe made to him, he would yeeld an increaſe of rent of Corne, according to the forme of the Statutes in ſuch caſes provided. And farther this defendant ſaith, as before he hath ſaid, That hee being informed that the leaſe made to the ſaid R. B. to bee a void leaſe, became an earneſt Suitor by the meanes aforeſaid, for a leaſe of the ſame things that were pretended to bee demiſed to the ſaid R. B. and enformed the ſaid Deane and

Chapter

Chapter, that they might, and that they had power in them to demise the same. And this defen. further saith, that there was included in the said supposed lease made to the said R. B. all the things that hee demised to this defendant, and if this defendant should not have meant to have had in lease from the Deane and Chapter the things supposed to be demised to the said R. B. and to enjoy the same, then should he have had by his lease no benefit, and should vainly have procured such honourable friendship: And therefore he saith, that the same allegation suggested in the said bill of complaint, that this defendant meant not, or that his purpose was not to challenge any thing by demise from the said Dean and Chapter, that was in shew formerly demised to the said R. B. is most untruly alledged against all probablity of reason, when as he well did know, and the Dean and Chapter also might understand, that the whole Rectory, except the Vicarage, was in shew demised, and the tithes of the said townships included in the said supposed demise, and therefore saith, that the said Dean and Chapter at the contemplation and request of the said letters, made a lease of the said tithes to this defendant, and to manifest their good intention and meaning towards this defendant, for the injoying thereof the said Dean and Chapter gave this defendant a Transcript of the Counterpaine of the said supposed lease under their Chapter seale, and besides this def. had a rentall delivered in writing to him, expressing or containing the rents of the townships mentioned in the said bill of complaint. And this defendant saith, That his meaning was ever to have and injoy the benefit of the said demise, and of the things therein contained, and so he taketh it, the said Deane and Chapter so meant and understood the same, being persons of so great learning, judgement, and discretion, that they would not grant the same things, and meane contrary to their owne demise: And without that, the said Deane and Chapter then verily supposing that none of the tithes of the said townships were included or comprised in the said lease of the said Rectory of R. made to the said R. B. but the same were other things excepted out of the said lease and concealed, and wrongfully detained from the said Deane and Chapter, and not within the bounds and limits of the said Rectory, as most untruly and unduly it is alledged by the said bill of complaint, without other reason or probability of reason, or that the same demise made to this defendant was made upon any such feined and untrue allegation: For hee saith, that such an oversight may not bee without any reason imputed to the said Deane and Chapter, being men of learning and judgement, that they should suppose none of the tithes of the said townships were included in the said lease of the Rectory of R. made to the said R. B. but other things excepted and concealed, and not within

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the limits and bounds of the said Rectory, when as the said Deane and Chapter by the said rentall may appeare, that the townes mentioned in the said bill are parcell of the Rectory of R. and the tithes in the same towne demised to this def. And the said def. further saith, that hee hath not had or ever had in his hands the said Indenture of lease made to the said R. B. nor by colour of having thereof, hath attempted any suit, but began his suit by reason of his own lease made to him, which he taketh is lawfull for him to do. And without that, that there is any other matter or thing touching this def. materiall or effectuall to be answered unto, and not herein confessed and avoided, traversed, or denied is true: All which matters this def. is ready to aver and prove as this hon. Court shall award; and prayeth to be dismissed out of this hon. Court with allowance of his costs and charges, &c. W.D.

The joynt and severall Answers of W.I. Doctor of Divinity, Deane of the Cathedrall Church of Christ in Oxford, of King Henry the eights foundation, R.P. A.W. T.T. &c. Prebendaries of the Cathedrall Church, defendants to the bill of complaint of T.B. Esquire complainant.

Sect. 165. THe said defendants, all advantages of exception to the incertainty and insufficiencie of the said bill of complaint being to them these def. now and at all times hereafter saved, for direct answer thereunto, so far forth as concerneth the knowledge of them these defendants, materiall for them to answer unto, say as followeth, that is to say, That heretofore J. D. in the said bill of complaint named, was an earnest sutor to the said defend. W. J. and to the Chapter of the said Cathedrall Church, for the obtaining & getting of a lease of all their the said Deane and Chapters tithe barne in P. in the County of C. and of all their tithe corne, and grain, comming, renuing, and yeerely growing in the townes and fields of P. aforesaid, H. &c. in the said County of Chester, and of the tithe corne, grasse, pigge, and goose of T. in the said County of Chester, and of the tithe hay and grasse of M. S. and R. aforesaid. And for the better obtaining of his said suit, he the said J. D. obtained and procured severall letters from divers great and honourable persons of this Realme, directed to the said Deane and Chapter of the said Cathedrall Church, whereby the said Deane and Chapter were earnestly moved to grant and yeeld to the said request of the said J. D. At the which time the said J. D. did affirme and say to these defend. or to the greater part of them, that in the premisses so by him the said J. D. required to be to him demised, there was then no lawfull estate continuing, but usurped by such occupiers as had no right unto them, and who vouchsafed not to seek unto the Church for them, nor to offer any good offers to them,

them, and that contrariwiſe himſelfe would reduce thoſe things to a more profitable revenue to their Church, or uſed other words and ſpeeches to the like effect, by reaſon whereof, theſe def. or the greater part of them the better to ſatiſfie their duties toward the hon. perſons in a ſuit ſo reaſonable, and tending to the benefit of their Church, did by Indenture under their Chapter ſeale bearing date the 22. of December in the 35. yeere of the raigne of our Soveraigne Lady the Queenes Majeſty that now is, demiſe, grant, and to farme let the ſaid tithe barne and other the premiſſes to the ſaid I. D. To have and to hold to him, his executors, adminiſtrators, and aſſignes, from the feaſt of S. Tho. the Apoſtle laſt paſt before the date of the ſaid Indenture unto the end and terme of 21. yeeres then next following fully to bee compleat and ended, as they thinke they might lawfully do, they then not knowing any lawfull leaſe to be in being of the premiſſes, and yet to the end and intent that no perſon having any lawfull intereſt in the premiſſes, or in any part therof for term of three yeers or more (if any ſuch were) might be by the ſaid demiſe or grant of theſe def. prejudiced or hindred, the def. cauſed the ſaid I. D. by his ſufficient deed in writting, as the defendants take it, for the better ſecurity, ſafety, and quietneſſe of their lawfull tenants, whom they meant not ſhould bee impeached, to covenant with theſe def. that the ſaid demiſe, nor any covenant, grant, or article in that ſaid Indenture of demiſe contained, ſhould in any wiſe extend to bind or charge any of them the ſaid Deane and Chapters tenants, holding or claiming by good and lawfull grant, any lawfull eſtate for the terme of 3. yeeres at the leaſt, or more then to continue, any matter or thing in the ſaid Indenture of demiſe mentioned to the contrary notwithſtanding, whereby it doth and may appeare to this hon. Court, That theſe defendants have not done any thing concerning the ſaid demiſe of the premiſſes of the ſaid I. D. then as they thinke they and every of them might lawfully do, making ſuch proviſion as aforeſaid, that no tenants which held by any lawfull intereſt ſhould bee impeached by this their leaſe, without that, that to the knowledge of theſe defen. or any of them, the Deane and Chapter of Chriſts Church in the Univerſity of Oxford, predeceſſors of theſe defendants, did lawfully demiſe, grant, and to farme let the Rectory or Parſonage of R. in the ſaid bill of compl. mentioned, with the appurtenances, to R. B. in the ſaid bill of compl. named, in manner and forme as in and by the ſaid bill of complaint is ſurmiſed. And without that, that to the knowledge of theſe defendants, or of any of them, the tithes demiſed by theſe defendants to the ſaid I. D. as is aforeſaid, were lawfully demiſed by the Dean and Chapter of the ſaid Cathedrall Church, predeceſſors of theſe defendants, to the ſaid R. B. in manner and forme as is in and

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by the said Bill of complaint surmised. And without that, that any other matter, clause, or sentence in the said bill of complaint comprised, being materiall in the opinion of them to be by these def. answered unto, and not herein sufficiently confessed and avoided, or traversed and denied is true. All which matters they these def. and every of them are ready to averre and prove as this hon. Court shall award, and pray to be dismissed out of the same, with their costs by them sustained.

The Replication of I.B. Esquire complainant, to the Answer of I.D. Esquire one of the defendants.

Sect. 165. The said complainant by protestation not confessing or acknowledging any matter or thing materiall or effectuall in the said Answere alledged to be true, in such sort, manner, and forme, as the same are thereby expressed and set forth, and by protestation also that the said answere is uncertaine, and insufficient in the law to be replied unto, for divers great and apparant faults therein manifestly appearing, the benefit and advantage whereof at all times hereafter to the complainant saved and reserved, the said complainant for replication, replyeth and sayeth in all things as before in his said bill of complaint he hath said. And further saith that all and every the matters in the said bill of complaint contained, are and be good, just, true, certaine, and sufficient in the law to be answered unto in such sort, manner, and forme as they and every of them in and by the said bill of complaint by him beene most justly, plainely, and truly alledged and set forth, and the same he is ready to averre and prove, as it shall please this hon. Court to award. And the said complainant further replyeth and saith, that the said Deane and Chapter the other defendants, named in the said bill of complaint, had no meaning or intention to demise unto the said I. D. any thing that was by them or their predecessors formerly demised to this complainants father, and in this complainants possession by vertue of the said lease, and to give full satisfaction thereof to this hon. Court. This complainant further saith, that the said I. requiring of the said Deane and Chapter to have a lease of the township of R. together with the said other townships in the said bill of complaint mentioned by him, procured a lease from the said Dean & Chapter by such practise and successions as in the said bill of complaint is alledged, the said Deane and Chapter then made answer to the said I. D. that this complainant was the Farmer of R. and held the same by lease from the said Deane and Chapter: And that they would not in any wise demise any thing to the said Daniel that was comprised in the said lease made to the complainants father. To which answer

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the said J. D. replyed and said, that hee could do well enough with that lease, if the said Deane and Chapter would bee pleased to demise the said Townethip of R. with the rest of the said Townethips to him the said J. D. whereunto the said Deane and Chapter then answered to this or the like effect, videlicet, that they would not go about to impeach the said Lease made to the said complainants father: and that it was not fitting for men of their Coate and quality, to stand upon quirkes and quillets in Law. By which words it evidently appeares, that the said Deane and Chapter were circumvented and mis-led by the untrue informations of the said J. D. to them made in manner and forme, as in the said bill of complaint is alledged and set forth: and that they knew not at the time of the making of the said J. D. Lease, that the said Townethips thereby letten were formerly demised to the said complainants father in and by the generall words of the Rectory of R. which did include the said Townethips, so as if there be any such defects in the said Lease made to the said complainants father, as the said J. D. pretendeth by his said answer, as this complainant hopeth there is not, yet for as much as this complainants father and this complainant have ever since the making of the said Lease, which was many yeeres since, quietly enjoyed the same, and by all the said time payed the rent to the said Deane and Chapter reserved thereupon: And that the said J. D. procured his said Lease, by such sleights, and subtleties, as is aforesaid. And that the said Deane meant not to demise any thing to the said J. D. that was formerly demised to the said complainants father, nor to impeach the said Lease made to the said complainants father upon any defect whatsoever. Wherefore this complainant hopeth this honourable Court will compell the said J. D. to bring in the said Lease so procured as aforesaid, into this Honourable Court to be cancelled, or otherwise disposed of, as to the same shall be thought meet: and will order that this complainant shall have and injoy the benefit of the said lease made to this complainants father as aforesaid, notwithstanding any such defect therein, as is pretended by the said J. D. And whereas the said defendant alledgeth in his said Answer, that the said Deane and Chapter, to manifest their good intention and meaning towards the said defendant, and to the intent he might injoy such things, as they had to him demised, did deliver unto him a Copie or Transcript of the said Lease made to this complainants father, and a rentall of the said severall Townethips in the said bill of complaint mentioned. To that Allegation this Repliant saith, that the purpose of the said Deane and Chapter in the delivery of the said Copie or Transcript was, that the said J. D.

might thereby know what was demiſed or intended to bee demiſed to the ſaid complainants father: And to the end that hee the ſaid I. D. might not meddle with any thing comprized in the ſaid Leaſe, and to no other intent or purpoſe, without that, that the ſaid Deane and Chapter did know by the ſaid Rentall, that the Townes mentioned in the ſaid bill demiſed to the ſaid I. D. were parcell of the ſaid Rectory of R. and were formerly demiſed to the ſaid compl. father, and without that, that any other matter or thing in the ſaid anſwer alledged materiall or effectuall for this compl. to relie unto, and herein not ſufficiently confeſſed and avoided, denied, or traverſed, is true. All which matters this complainant is ready to averre and prove, as it ſhall pleaſe this Hon. Court to award: and prayeth as before in his ſaid bill of complaint he hath prayed.

R. C.

A ſupplication by two maimed ſouldiers to have the Councels licence to beg, or to have ſome maintenance allowed them for their preſent ſtay and relief, untill two Almes roomes which the Qu. gave in reverſion do become void.

To the right Hon. the Lords, &c.

Sect. 166. HUmbly ſhew and beſeech your good L. your very poore and humble ſuppliants A. G. and B. C. That whereas in conſideration of the ſundry maimes and hurts of your Hon. ſuppliants in her Majeſties ſervice, it pleaſed her Highneſſe of her moſt gracious diſpoſition and pitifull conſideration of us, to give and beſtow upon us the reverſion of two ſeverall Almes roomes in the Hoſpitall of D. in the Citie of London, during our lives, when the ſame ſhould become void, the which be yet full, and after their deaths which now bee in the poſſeſſions of the ſame, divers reverſions are granted to ſeverall perſons of the ſame, by reaſon whereof your Lordſhips poore ſuppliants are never likely to injoy the ſame roomes for their reliefe and ſuſtenance. In conſideration whereof, and for that your Hon. ſaid ſuppliants be in very poore and weak eſtate by reaſon of their ſaid maimes and hurts, and greatly indebted to divers perſons, being charged with wives and many children, not having any thing now left them to maintaine, help, or relieve themſelves withall in this their great poverty and extremities, but are ready to periſh for lack of ſuſtenance and other meanes. It may therefore pleaſe your good L. the premiſſes being by your Ho. tenderly conſidered, to grant unto your Lordſh. poore ſuppliants for their preſent ſtay, reliefe, and comfort, your H. Licence, for

for the taking and receiving of the Almes, and charitable benevolence of the well diſpoſed perſons throughout the whole Realm, untill the ſaid Almes roomes ſhall become void, or ſome other proviſion or maintenance for the reliefe of their preſent neceſſity, ſuch as to your hon. ſhall ſeeme meet and convenient may be had and made, and your ſaid poore ſuppl. according to their bounden duties, will pray to God for your good L. in all health and honour long to continue.

A Supplication by a Merchant ſtranger, who having beene before called into queſtion for coſining of one in a barter of Pearle for Cloth, who deſireth the ſame may be examined and ended by Aldermen of London and other aſſiſtants of skill and judgement: And that if they cannot agree, then the Lord Maior of London to be umpire betwixt them, or elſe that the ſame may receive a triall in any Court of Juſtice within the Realme and that in the meane time his liberty may not be impeached.

To the right Hon. the Lords, &c.

IN all humbleneſſe beſeecheth your honourable good Lordſhip I. C. Sect. 167.
of the Citie of London, Merchant ſtranger. That whereas R. S. of the ſame Citie Merchant tailor, hath ſundry times complained unto your Honour that your ſaid ſuppliant had coſined him in delivering pearles for 285. pounds, which were not worth 20. pounds, in conſideration of a barter of cloth delivered to your Lordſhips ſuppl. whereupon it pleaſed your Lordſhip to grant your Warrant for the bringing of your ſaid ſuppliant and his aged father before your good Lordſh. to anſwer to the ſaid ſuppoſed coſinage ſuppoſed againſt them, which they have already in ſome ſort anſwered, according to the ſhortneſſe of the time. But foraſmuch as for the full and plaine diſcovery of the ſaid pretended coſinage, wherewith your Lordſhips ſaid ſuppliant is charged by the ſaid R. S. it ſeemeth requiſite that the whole proceedings in the ſaid barter or contract were throughly examined by ſome Aldermen of the Citie of London, calling unto them for their aſſiſtance therin, two of the Dutch Church of ſufficient judgement and skill in ſuch caſes to be indifferently nominated by your ſaid ſuppliant and the ſaid R. S. it may therefore pleaſe your good Lordſhip to give full power and authority by your Honours letters to Alderman S. and E. D. one of the Dutch Church choſen by your ſaid ſuppliant (if ſo it may ſtand with the liking of your good Lordſhip) being of judgement and skill, and very wiſe and diſcreet men, and to another Alderman of the ſaid Citie, and any other of the ſaid Dutch Church to bee likewiſe nominated and appointed by the ſaid R. S. who may examine

and try out the truth of the ſaid ſuppoſed coſinage: And that it may alſo pleaſe your good Lordſhip that the Lord Maior of the ſaid City of London may be by your honor nominated and appointed to be Umpire in the ſaid cauſe for the finall ending thereof, if it ſhould ſo happen and fall out, that the ſaid foure perſons ſhould not fully end the ſame cauſe betwixt the ſaid parties touching the ſaid ſuppoſed coſinage, to the which arbitriment and umpirage your ſaid ſuppliant will willingly ſubmit himſelfe to ſtand unto and performe. And if the ſaid cauſe cannot by the ſaid arbitrators or umpires receive a full and finall end through the wilfulneſſe or frowardneſſe of the ſaid R. S. according to the charitable and honeſt intent and purpoſe of your Lordſhips ſaid ſuppliant: Then your ſaid ſuppliant humbly beſeecheth your Hon. that it may be ordered by your good Lordſhip, that the ſaid cauſe may receive a ſhort, ſpeedy, upright, and indifferent triall at the common law in what Court it ſhall pleaſe your good Lordſhip to appoint. And for that your ſaid ſuppliant doubteth leſt by the practiſes of the ſaid R. S. his liberty may bee impeached before the ſaid ſuppoſed coſinage may be fully tried and ended, the petitioner therefore humbly beſeecheth your good Lo. that by your Lordſh. order his poore aged father may be protected and defended from arreſts or other trouble or moleſtation, untill the ſaid cauſe ſhall receive a finall end, and your ſaid ſuppliant ſhall daily pray to God for &c.

A Supplication by an Inne-keeper impriſoned for treaſon upon counterfeit letters from the Privie Councell, who being thereof afterwards diſcharged by letters from the Councell had ſeverall actions of debt laid upon him before his inlargement. And afterwards was from thence removed to the Fleet, and there remaining for his debt, prayeth that he may complaine of abuſes offered to him, and to detect others of offences and miſdemeanors by them committed. And alſo to write letters to the Commiſſioners for priſoners for debt in the Fleet, to compound all cauſes betwixt him and his creditors.

To the right Hon. the Lords, &c.

Sect. 168. HUmbly ſheweth and complaineth unto your good Lo. your poore ſuppliant and daily Orator I. W. of P. now priſoner in the Fleet, That where about the month of September laſt paſt in the 32. yeere of her Majeſties raigne one W. P. brought to the ſaid Towne of R. certaine counterfeit letters under the names of the Lord Chancellor, Lord Treaſurer, and others of her Majeſties moſt honourable Privie Councell, with commandement to I. B. then Maior of the ſaid Towne

towne of N. by vertue of the ſaid letters, to apprehend and take your ſaid ſuppliant upon ſuſpition of treaſon, and commit him to cloſe priſon, with heavie irons to be laid upon him, the which ſaid Major executed accordingly, where your ſaid ſuppliant ſo continued by the ſpace of five weekes. And your ſuppliant being ſo impriſoned, required the ſaid Major that the ſaid W. P. might bee ſtayed, for that hee in the ſame yeere had counterfeited certaine other letters under divers of your Lo. hands, but the ſaid Major refuſed to ſtay him, becauſe he came with your L. letters to him (as he ſuppoſed) ſo the ſaid W. P. departed, leaving your ſaid ſuppliant in cloſe priſon. Whereupon your ſaid poore ſuppliant ſent one to acquaint your Hon. with his poore diſtreſſed caſe for redreſſe and reliefe from your good Lo. therein, who thereupon received your Hon. letters in your ſuppliants behalfe, directed unto the ſaid now Major of the ſaid towne of N. for his enlargement of his ſaid impriſonment. But your L. ſaid letters notwithſtanding, your poore ſuppliant was not ſet at liberty, but detained in priſon by the ſpace of eight dayes after your L. letters were delivered unto the ſaid Major, by meanes whereof there was one execution for debt, and divers other actions of debt laid upon him, to the utter undoing of him, his wife, and eight poore children, your ſuppliant being a poore Inholder in the ſaid towne of N. and having no other trade of living or meanes to maintaine himſelfe and his poore family, by reaſon of which ſaid untrue ſlander of ſuſpition of treaſon, and of his long impriſonment of ſeven moneths or more, he hath loſt his accuſtomed gueſts being many, which uſed to come to his ſaid houſe. May it therefore pleaſe your good Lo. the premiſſes being by your H. tenderly conſidered, and for that your ſaid poore ſuppliant upon his remove to the priſon of the fleet, entred into bond to appeare before your good Lo. at what time ſoever it ſhould pleaſe your H. to appoint him ſo to do, to admit your ſaid ſuppliant to complaine before your H. of divers wrongs and abuſes offered and done unto your poore ſuppliant, as alſo to diſcover and detect the ſaid W. and ſome others his confederates of very lewd parts and offences committed by them: And alſo that it will pleaſe your Hon. to grant your letters to the Commiſſioners for poore priſoners for debt in the Fleet, for the ſpeedy compounding and ending of all cauſes betwixt your ſaid ſuppliant and his creditors, and your ſaid ſuppliant as he is moſt bounden ſhall daily pray for your Hon. good Lo. in health and in honor long to continue.

A Supplication containing that upon a former Supplication the Councels letters were directed to a Knight and others of the Countrey where both the parties dwelled, to heare and end a cause, being a matter of account, whereupon the Knight and the others first wrote their letters to the parties, and they not comming before them, upon their letters they did thereupon by vertue of the Councels said letters sent their precept unto them, commanding them to appeare before them for ending of the said cause, who refused to come before them, the which his contempt was by the said Knight &c. certified to the Councell against them. And now the petitioner prayeth the Councels warrant to bring the parties before the said Knight &c. for the ending of the said cause, and if the said parties wilfully refuse to stand to and obey their order, then to commit them to the Gaole, there to remaine untill they will be contented to obey and performe the same.

To the right Hon. the Lords, &c.

Sect. 169. HVmbly sheweth unto your good L. your humble suppl. N. C. Clothier, that wheras upon a former petition exhibited unto your good L. declaring the injurious, unconscionable, and sinister dealings of one T. N. and J. his son, touching a matter of debt and account, which was by your suppl. fully satisfied: Yet continued the suit against your said suppl. for the space of 7. yeeres together only of purpose and malice, to the end to molest, trouble, and impoverish your said suppl. as by divers certificates then to your H. by your said suppl. shewed did fully and at large appeare, as also the lewd and evill conversation and demeanor of the said J. D. duly certified unto your good L. by the towne of C. in the County of S. under the common seale of the same towne: whereupon it pleased your good L. to direct your hon. letters unto sir G. T. of A. in the said County of S. Knight, and others, to call before them the said T. N. & all other persons whom that matter did in any wise concerne, and that upon due hearing and examinations of witnesses upon both parts be produced to proceed to the finall ending and determining thereof, according to equity and conscience, and thereupon the said Commissioners according to your Lordships said letters of Commission sent first their letters, requiring them to come before them for the ending of the said cause: and for that they did not appeare before them upon their said letters, they then addressed unto them their precept, requiring and commanding them and every of them by vertue of your Honors said letters of Commission of them directed, to come and appeare before them for the ending of the said cause, both which letters and precept were delivered by one A. B. unto the said T. N. who was the principall mo-

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lesto2 o2 troubler of your suppl. in these causes, who albeit hee had receiued the said letters and p2ecept, yet that notwithstanding hee would not appeare beso2e the said Commissioners, but contemptuously by his letters to the Commissioners refused to appeare beso2e them either upon the said letters, o2 the p2ecepts from the said Commissioners, as by a certificate from the said Commissioners ready to be shewed unto your good L. may appeare, to the great derogation and contempt of your good Lo. May it therefo2e please your Ho. fo2 the b2idling and checking of such dissolute, fro ward, and wilfull obstinacie, to the terrifying of such like disobedient persons, to grant unto your said suppl. your L. warrant to be directed unto the Sheriffe of the said County of S. to b2ing the said T. N. beso2e the said Commissioners at such a day, houre, and place, as by letters from the said Commissioners to the said Sheriffe shall be assigned o2 appointed: And that if the said T. N. being b2ought beso2e the said Commissioners, shall wilfully refuse to obey and perfo2me such o2der, end, and determination, as the said Commissioners shall think good to set down therein, that the said Commissioners may have full power and authority to commit the said T. N. to the gaole within the said County, there to remaine untill he will yeeld to perfo2me and obey the o2der and determination of the said Commissioners, o2 that your good L. shall give o2der and direction fo2 his delivery out of p2ison. And your said suppl. shall daily p2ay fo2 the p2eservation of your good L. in all felicity and happinesse long to continue.

A Supplication by one for himselfe and for eight other Prisoners indicted of murder in Wales (wrongfully as they pretend) containing a former supplication, whereupon the Councell ordered, that they should receive their trials upon the said Indictment of life and death in the County of Salop, and not in the County of M. where they were indicted, praying that they might bee bailed, for that he was a Freeholder of good worth, and able to put in good surety: that the Councell would be pleased to give order by their letters to the Lord President and Councell in the Marches of Wales for the bailing of them.

To the righ Hon. the Lords, &c.

MOst humbly info2meth your good L. your humble suppliant and daily O2ato2 E. D. of the County of C. fo2 himselfe & eight others, now p2isoners in the gaole of N. fo2 the supposed murd2ing of one N. G. who died about Pentecost last past: That whereas upon some suddaine heat of wo2ds variance happning to grow betweene the same N. G. and your said suppliant L. in the said County of C. upon the 28. day of May last past, about the having up of a writ of capias, with a fee fo2merly Sect. 170.

merly given for the executing of the same writt, at which time by mischaunce a stander by giving a light blow to the said M. G. with a stone upon the head, whereof he never languished so much as one houre in outward apparance, neither did his chirurgion conceive any danger to bee therein, but the said M. G. travelled afterwards without shew of griefe from place to place about his affaires into forreine countries, using all exercises and disports of pleasure, and afterwards upon the 10. day of June through sickenesse died in the said County of M. In which County of M. by favor of the kindred and allies of the said M. G. your suppl. and xi. others were unjustly indicted for the death of the said M. G. as for murder, although there were no manner of malice betwixt your L. said suppl. and the said M. G. before the said hurt of him the said M. G. but great good will and liking betwixt them. For the same night that the said M. G. was hurt, as is aforesaid, he had appointed to lie at your L. said suppl. house, whereupon your good L. said suppl. being an humble suitor to your H. for redresse of the said hard measure, it pleased your good L. in your very Ho. consideration by order from your L. to appoint a triall of your said suppl. and the other 8. indicted persons at the Assises to be holden for the said County of Salop, as a place more indifferent and fit for the same, and yet nevertheless, your said poore suppl. and the rest remaine in prison, and cannot be bailed, albeit very good and sufficient baile have been by your L. suppl. divers times offered, not only for himselfe, but also for the rest of his people, being indicted & imprisoned, And for that your H. said suppl. is a freeholder of credit and worth, well able to finde very good and sufficient surety for his owne baile, and his said people to appeare and answer to the said indictment against them before the M. Ma. Justices of Assise for the said County of Salop, at the next Assises to be holden within the said County of Salop for the said County: It may therefore please your good L. of your accustomed care and commiseration of poore afflicted persons for their reliefes, to give such order and direction by your H. letters to be directed to the L. President and Councell of the marches of Wales, that your L. said suppl. and his poore people may not only receive their said triall upon the said indictment in the said County of Salop, according to your good L. former order and direction therein, but also that they may be presently bailed upon good and sufficient sureties to be of them taken by the said L. President and Councell for their personall appearance before the said Just. of Assise for the said County of Salop, at the said next Assises to be holden before them for the same County, then and there to answer to the said indictment, and to receive therein according to law and justice: And your said poore suppl. shall pray unto God for the long preservation of your good L. in health and much honor long to continue.

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A Supplication to have the Councels letters to two bailifes of a towne, to take upon them the hearing of a controverſie of an account, or elſe to appoint other two to do the ſame, and that they two appoint an Vmpire to end the matter. And if the ſaid Vmpire cannot end it, then to certifie the Councell of the ſtate of the matter, and their opinions thereof, and in whom they conceive the fault to be.

To the Hon. the Lords, &c.

IN moſt humble and lamentable manner ſheweth unto your Honourable Lordſhips your poore ſuppliant A. B. of C. in the County of N. Merchant: That whereas there are divers matters of account in queſtion and controverſie betweene your ſaid poore ſuppliant, and one H. B. of N. which will aske and require ſome long time and great charges to bee proſecuted and determined by the due courſe of the common lawes of this Realme, the which would turne to the utter undoing of your ſaid ſuppliant, becauſe he is now ready with his Ship to depart towards the Straits, and therefore very uncertaine of his returne. It may therefore pleaſe your good Lordſhips to grant your Hon. letters to be directed unto the two Bailifes of great Yarmouth, either to heare the ſaid account betwixt them, or elſe to appoint two other indifferent perſons to heare the ſame, and that thoſe two may of themſelves appoint an Vmpire to end and determine the ſaid controverſies, unto the which if the ſaid H. B. or your Hon. ſaid ſuppliant will not yeeld unto, that then they may certifie unto your good Lordſhips the ſtate of the ſaid controverſies betwixt them, with their opinions therein, and in whom they conceive the fault to bee. And your ſaid poore ſuppliant ſhall bee bound during his life to pray for your good Lo. increaſe of honour and perpetuall felicity. Sect. 171.

A Supplication of H. K. and E. M. being priſoners in the Fleet for miſdemeanors in the Starre-chamber, to be inlarged of their impriſonment.

To the right Hon. the L. Keeper of the Seale of England.

THe Suppliants in Michaelmas Terme laſt were ſentenced for a Riot, and other miſdemeanors, and A. B. the principall defendant was then alſo committed to the Fleet, and adjudged to pay to the M. C. li. for a fine, and alſo to diſcharge the fines impoſed upon ſuch other of the ſaid def. then likewiſe ſentenced and fined, as are not able to ſatiſfie the Sect. 172.

the same. Your L. said poore suppl. dwelling in the County of C. were brought up by the Warden of the Fleets servant, and are now likewise prisoners in the said prison of the Fleet for the said offence, where they have already remained by the space of a fortnight and more in great misery and want, being very poore men and very aged, and having nothing at all wherewith to relieve their great wants and necessity more then the bare allowance of the prison, being so small, as your poore suppl. are ready to starve for want of meat, drink, and other necessaries, to the utter overthrowing of them and their poore wives and children, without it may please your good L. speedily to extend your commiseration and pitie upon them in setting them at liberty.

A Supplication of a prisoner in the Fleet, for misdemeanors censured in the Star-chamber to be enlarged of his imprisonment, and to have the benefit of a generall pardon, and to be discharged of one of the fines imposed upon him.

To the right Hon. Sir T.E. Knight, L. Keeper of the Great Seale of England.

Sect. 173.

IN all humblenesse H.A. a very poore aged man of 70. yeeres old and more, now prisoner in the Fleet, humbly beseecheth your good Lordship, That where your suppl. in the cause between A.B. and C.D. had in the Starre-chamber two severall fines imposed upon him for two severall misdemeanours, the one a fine of 10. li. and the other a fine of 20. li. and brought out of the County of C. by the servant of the deputy warden of the Fleet to the prison of the Fleet, the 10. day of this instant June, being as he is informed discharged and freed from the said first fine of 10. li. and from imprisonment of his body by her M. most gracious generall pardon of the last Parliament, that it would please your good L. for Gods sake, to yeeld and allow unto your L. said suppl. the benefit of the said generall pardon for his said first time, and also in your hon. and mercifull regard of his great poverty and misery he now lieth in, to enlarge him of his said imprisonment, and to discharge him of the said fine of 20. li. and to set it over upon the head of the said C.D. according to an order therein taken: and also to order and appoint the said C.D. to pay your said suppl. prison charges, having beene drawne into the action by the said C.D. otherwise your Lordsh. poore suppl. is utterly undone for ever, and shall never be able to procure his liberty: but of force must perish in prison: And your said poore suppliant and his poore wife and children shall daily pray for your L. good and honourable estate in all health and happinesse long to continue.

A Supplication of a priſoner in the Fleet for a miſdemeanor cenſured in the Star-chamber to have the benefit of a generall Pardon, and to be diſcharged of his impriſonment and fine, and that in reſpect of his very poore eſtate his priſon charges may be payed and diſcharged by one A.B. by whoſe means the Suppliant was drawne into the action.

To the right Hon. Sir T.E. Knight, Lord Keeper of of the Great Seale of England.

YOur hon. very poore ſuppliant H. M. being a very poore old man of above 80. yeeres old, and weak and ſickly, now priſoner in the Fleet, humbly beſeecheth your Lordſhip, That where your poore ſuppliant in a cauſe betweene A. M. and C. C. was fined in the Star-chamber at the ſumme of v. li. and brought out of C. by the Warden of the Fleets ſervants to the priſon of the Fleet, the 11. day of July, that hee may not only be freed and diſcharged of the ſaid fine impoſed upon him, but alſo of his ſaid impriſonment by force & vertue of a generall pardon at the laſt Parliament. And that your good L. will be pleaſed for Gods cauſe to yeeld and allow unto your poore ſuppliant the benefit of the ſaid Pardon for his enlargement. And further that it will pleaſe your good L. in regard of his great poverty being not able to releeve himſelf with ſufficient meat and drink, but is ready to ſtarve with hunger for want thereof, to take ſuch order that the ſaid C. C. by whom your ſaid ſuppliant hath beene drawne to commit the ſaid miſdemeanor, may pay for your ſaid ſuppl. all his fees and charges of impriſonment, the which if he be not compelled by your good L. to do, your ſaid poore ſuppl. is very likely to remaine languiſhing in priſon all the dayes of his life, without any hope ever to bee delivered thence. And your poore ſuppliant will dayly pray for your good Lo. &c. Sect. 174.

The end of Bils and Anſwers, &c.

HItherto of Bils, Anſwers, Replications, Reſoynders, &c. and ſuch other things as concerne the manner of proceeding in Chancery ſuits, with ſome new additions unto them added. Now of certaine writs and commiſſions iſſuing thence, and there alſo returnable. Sect. 175.

The manner of proceeding upon a ſpeciall Certiorari.

THe party grieved exhibiteth his bill, and by the ſame prayeth not only a ſpeciall Certiorari, but alſo a Subp. againſt the defendant to anſwer

anſwer to his bill, as appeareth by the laſt two bils. And if the Lord Chancellor, Lord Keeper, or Maſter of the Rols ſhall ſee good and probable matter in the bill, they uſually grant the ſame, taking bond of the plaintife for the proofe of the ſurmiſes of his bill, within fourteene dayes after the returne of his ſpecial Certiorari, which writ of Certiorari followeth in hæc verba:

Jacobus Dei gratia Angl', Scotiæ, Franciæ & Hiberñ Rex fidei defenſor &c. Maiori & Vicecom̃ Lond' ſalut̃: Volentes certis de cauſis certiorari ſuper cauſa captionis & detentioñ R.S. in priſoñ ſub cuſtod' veſtra, vos præf. vicecom̃ detenti, ut dicitur, vobis mandam⁹, qd cauſam p̃d' cum omnibus eam tangentibus quocunq; nomine idem R. in cauſa illa cenſeatur, nobis in Cancellariam noſtr̃ in quindeñ Paſc. ꝓx. futur̃, ubicunq; tunc fuerit, ſub ſigill' veſtris diſtinctè & apertè mittat̃, & hoc breve: Teſte &c.

And if the plaintife do not make proofe of the ſurmiſe of his bill, as aforeſaid, then upon certificate made under the hands of the examiners of this Court, and notice from the plaintifes Atturney, that he hath not examined any witneſſes, either in this Court, or by Commiſſion, then a Procedendo is granted of courſe. But if there be witneſſes examined, then to have their examinations referred to a Maſter of the Chancery.

And if he finde and ſo certifie, that the plaintife hath proved the ſubſtance of his bill, then the cauſe to be retained and ordered in this Court, if not then a Procedend' to proceed for the remaining of the ſaid cauſe.

A Corpus cum cauſa to remove a Priſoner.

Sect. 176. REx &c. Maiori & Vicecom̃ Lond' ſalut̃. Mandamus vobis, qd' R.S. quocunq; nomine cenſeat̃ captum & in priſoñ ſub cuſtod' veſtr̃ vos præf. Vicecom̃ detenꝰ, ut dicitur, habeatis corã nobis in Cancell' nĩa tali die ꝓx. futur̃ ubicunq; tunc fuer̃ una cum cauſa captionis & detentioñ ipſius R. in priſona p̃d'. Et hoc nullatenꝰ omittat̃ Et habeat̃ ibi hoc breve. Teſte &c.

This writ is granted by the Lo. Chancellor, Lo. Keeper, or Maſter of the Rolls, for the moſt part upon a bill exhibited, and good baile put into the Court for the parties apparance and forth comming, de die in diem, or futher time, as the Court ſhall think fit, whereby many of her Majeſties ſubjects are very much relieved in hard and extreme cauſes, lying oftentimes in priſon upon great actions ſurmiſed againſt them, without juſt cauſe, and thereby not able to put in ſuch baile as the common law doth require in ſuch caſes.

of

Of a writ of Diem clauſit extremum.

This writ is to bee ſued forth by the heire of the Kings tenant in chiefe, within a yeere after the death of his Anceſtor, or a commiſſion of the ſame effect. And an office or inquiſition being thereupon taken and returned, ſuch heire may have livery of his lands out of the Kings hands, for if the lands of ſuch Tenant exceed that yeerly value of five pounds, no Liverie thereof can be ſued, before ſuch inquiſition or office found and returned by vertue of ſuch writ or commiſſion. And ſuch writ or commiſſion may not paſſe but by warrant or bill, firſt ſigned and ſubſcribed with the hands and names of the Maſter of the Wardes and Liveries, the Surveyor of the Liveries, and the Attorney of the Court of Wards and Liveries, or ſome of them, 33. H. 8. cap. 22. The forme of which writ enſueth. Sect. 177.

Rex Eſchaetori in Com̃ Eb. ſalutẽ. Quia I. qui de nobis tenuit in cap̃ Diem clauſit extremum, ut accipimus. Tibi p̃cipim⁹, q̃ oĩa terr̃ & tenta de quibus idem I. fuit ſeiſitus in dom̃ ſuo ut de feodo in balliva tua die quo obiit, ſine dilatione cap̃ in manum noſtram, & ea ſalvo cuſtodiri fac' donec aliud inde p̃cipimus: Et per ſacram̃, ꝓbor̃ & legalium hom̃ de eadem balliva tua, per quos rei veritas melius ſciri poterit diligenter inquiras, quantum terrarum & tenementorum præd' I. tenuit de nobis in capite, tam in dominico q̃ in ſervitio, in dict balliva tua die quo obiit, & quantũ de aliis, & p̃ quod ſervitium, & quantum terr̃ & tenem̃t illa valeant per annum in omnibus exitibus, et quo die idem I. obiit, et quis ꝓpinquior hæres ejus ſit, et cujus ætatis. Et inquiſitiõ inde diſtinctè et apertè fact' nobis in Cancell' nr̃am ſub ſigillo tuo, et ſigillis eorum, per quos facta fuerit, ſine dilatione mittas &c. Et hoc breve. Teſte &c.

But if one that holdeth of the Kings ward by Knights ſervice die, the Diẽ clauſit &c. **muſt be thus:**

Rex dilecto &c. Quia I. de S. qui de hæred̃ W. de O. defunct' qui de nobis tenuit in capite, infra ætatem, & in cuſtodia noſtra exiſtent̃ tenuit per ſervic' Militar̃ Diem clauſit extremum, ut accepimus, Tibi p̃cipim̃ q̃ omnia terr̃ & tenement̃ &c. per ſacram̃ &c. quant̃, terrarum & tẽtor̃ idem I. tenuit de hæred̃ prædict'. Et quis ꝓpinquior hæres ejus ſit &c. *ut ſupra.*

And if the Kings Ward, **Thus:**

Rex &c. Quia R. de H. filius & hæres I. de H. defuncti, qui de nobis tenuit in Capite, nuper dum infra ætatẽ & in cuſtodia noſtra fuit, Diem clauſit extremum, ut accepimus, Tibi præcipimus, quod per ſacramen-

crament̃ &c. inquiras, quæ terr̃ & quæ ten̄ta, p̄ mort̃ præd̃ I. H. ratione minoris ætatis hær̃ præd̃ I. ad manus n̄ras devener̃, & sic in manus nostr̃ existunt, & quant̃ inde de nobis tenetur in Capite, & quant̃ de aliis, & per q̄ servitium, & quant̃ &c.

But if the wife of the Kings tenant which holdeth the dower, die, his heire being the Kings ward, then the Diem clausit extremum *must be made* **thus:**

Rex dilecto sibi N. de B. Maiori Civitatis suæ London, et Eschaet̃ suo in eadem Civitate salutem. Quia E. quæ fuit uxor̃ I. de B. nuper defunct', quæ quasdam terras et quædam tenement̃ de nobis tenuit in dotem de hæreditate præd' I. Quondam viri sui, Diem clausit extremum, ut accepimus. Tibi præcipim', quod omnia terras et tenementa, quæ eadem E. sic tenuit in dotem de hæreditate præd̃ in balliva tua &c. per Sacramentum &c. diligenter inquiras, quas terras et quæ tenementa ead̃ E. sic tenuit in dotem de hæreditat̃ præd̃ in balliva tua, die quo obiit, et quant̃ inde de nobis tenetur in Capite, et quant̃ de aliis, et p̄ quod servitium &c.

If the King have the Wardship of a reversion, and the tenant for life die, **then thus:**

Quia A. quasdam terras et quædam tenem̄t̃ de hæred̃ E. consanguinei et hæred̃ H. de P. defuncti, qui de rege tenuit in Capite, infra ætat̃ et in custod̃ reg. existen̄ tenuit ad termin̄ vitæ suę, Diem clausit extrem̄ &c. tibi præcipimus &c.

After the death of the tenant by the Curtesie, **thus:**

Quia A. qui quasd̃ terras et quæd̃ ten̄ta de nobis tenuit per legem Angl' de hæred̃ M. uxoris suæ dudum defunct', Diem clausit extrem̄, tibi præcipimus &c.

But if the King have a remainder, and his tenant for life dieth, **then must the writ be thus:**

Quia A. quæ fuit uxor &c. qui quasdam terras et quædam tenementa tenuit ad vitam suam, et quæ post mort̃ ipsius A. nobis & hæred̃ nostr̃ remaner̃ debent, Diem clausit extremum &c. Tibi præcipimus &c. qui eadem sic tenuit et quæ post mort̃ &c. remaner̃ debent &c. vel sic, post mort̃ præd̃ B. ad manus nostras ratione minoris ætatis præf. hæred. devener̃ &c.

But if the temporalties of a Bish. be in the K. hands, and one that holdeth of the Bishoprick by Knights service dieth, **the** Diem clausit extrem̄ **must be thus:**

Rex &c. Quia A. qui de Archiepisc' Cantuar̃ vacant̃ et in manu n̄ra existen̄ tenuit per servic' militare, Diem clausit extrem̄ &c. tibi præcipim' &c. de quibus idem A. fuit seisitus in dom̄ suo ut de feod̃ &c. & tenuit de Archiepiscopatu præd̃ sine dilatione &c.

But

But if the Kings Ideot die, the writ must be such:

Quia B. de C. nuper fatuus & Ideota cujus terr' & tenement' ration' fatuitatis ejusd' B. in manu nostra existunt, diem, &c. ut accepimus, tibi præcipimus, q̄ p̄ sacr', &c. dilig. inquiras, q̄ terr' & q̄ tenta ration' fatuitatis præd' B. in manu nr̄a capta fuerunt, & adhuc in manu nr̄a existunt, & de quo vel de quibus teneantur, & p̄ q̄ servitiu, & quant' terr' illę valeant &c. & quis ꝓpinquus: &c. & inquis. &c.

Datur nobis intelligi.

And if the Escheator receive a Diem clausit extrem', and die, or be otherwise removed from his office before execution thereof, then issueth a writ of Datur nobis intelligi, in this forme: Sect. 178.

Rex &c. Cum nup̄ datur nobis intelligi q̄ I. de I. qui de nobis tenuit in Cap', Diem clausit extrem', præceperim' dilect' nobis W. de O. nup̄ Eschaetori nr̄o in com' præd', q̄ omnia tras & tenț &c. *ut supra mutatis mutandis.* Ac idem W. ab offic' præd' jam sit amotus, p̄ q̄ exec' br̄is nostri præd' fieri non potest: Nos sup̄ premissis volent' Certiorari, Tibi præcipim', q̄ p̄ sacr' &c. diligent' super præmis. fac' inquis. & eā distincte, &c. Teste, &c.

Or thus:

Rex dilect' &c. Cum nuper datur nobis intelligi, qd I. de B. qui de nobis tenuit in capite, Di' clausit extrem', præceperimus dilect' & fideli nr̄o H. de B. nuper Eschaetori nr̄o in eod' com', q̄ omnes tras &c. fine dilatione caperet in manum nr̄am &c. donec aliud ind' præcepissemus, & p̄ sacr' &c. inquiret q̄ t̄r, &c. *ut in primo brevi.* Ac idem H. anteq̄ præd' br̄e fuerat executū, ab officio præd' fuerat amotus: Nos volentes super premissis plenius Certiorari, tibi præcipimus, q̄ super articulis præd' & eorum singulis diligent' facias inquisic', & eam distinct' & aperte fact. &c. *ut supra &c.*

But if the first Escheator execute the writ, and die before the inquisition be returned into the Chancery, then a Certior' shall be awarded to his executors or administrators, to certifie the same inquisition, for it is a matter of record so soone as the Jurors have found and sealed it.

Of a Mandamus.

If the Kings tenant by Knights service die, his heire within age, and no writ of Diem clausit extrem' bee awarded within a yeere after his death, then shall issue a Mandamus in this forme: Sect. 179.

Rex

Rex dilecto ſibi W. de B. Eſcheatori ſuo in com̃ B. ſalutem. Præcipimus tibi, q̃ p̃ ſacr̃ ꝓbor̃ & legaliũ hom̃ de balliva tua, p̃ quos, &c. diligenr̃ inquiras, quas terr̃ & q̃ tenta I. de B. tenuit de nobis in capite, tã in dñico q̃ in ſervitio in balliva tua die quo obiit, et quantum de aliis, & per q̃ ſervitium, & quantum terr̃ & tenta illa valeant p̃ annum in omnibus exitibus, & quo tempore idem I. obiit, et quis propinquior, &c. & cujus ætatis, & quis vel qui tras & tenta illa a tempor̃ mortis p̃d̃ occupavit vel occup̃, & exit' & ꝓfic' inde p̃cepit vel p̃ceper̃. quo tit' & qualit̃ & quo modo, &c. Et inquiſit̃ &c.

Sect. 180. The heire ſhall have but one writ of Diē clauſit extrem̃ only within a yeere after his Anceſtors death: But where the Anceſtor died ward to the King, and within age, for then a new Diem clauſit extrem̃ ſhall be awarded a yeere after the Infants death, and not a Mandamus *per Regiſt. fol.*

Of Commiſſions after the death of the Kings tenant.

Sect. 181. Alſo the heire of the Kings tenant by Knights ſervice in chiefe, may ſue forth a ſpeciall commiſſion, directed to certain perſons to enquire what lands, &c. (as above in a Diē clauſit extrem̃) which commiſſion will be as beneficiall for the heire, as a Diem clauſit extrem̃: For upon Inquiſition taken by ſuch a commiſſion, returnable into the Chancery, he may have Livery at his full age, but he ſhall never have Livery upon a generall commiſſion to enquire of all Wards, &c.

Quæ plura.

Sect. 182. This writ lieth when any of the heirs lands be omitted in a former office or Inquiſition, to finde the land ſo omitted, and is ſuch:

Rex Eſcheatori ſuo &c. ſalut̃. Quia datum eſt nobis intelligi q̃ A. defunct̃ qui de nobis tenuit in capite, tenuit die quo obiit plura tr̃ & tenta in com̃ p̃d̃, q̃ tu in inquiſ. inde poſt mort̃ præd' A. de mandat̃ nr̃ capt̃ & in Cancell' nr̃ retornata ſpecific'. Tibi præcipim⁹, q̃ p̃ ſacr̃ ꝓbor̃ &c. inquiras q̃ plura tras & tenta idē A. tenuit in com̃ præd' die quo obiit, & de quo, vel de quibus illa plura tr̃ & tenta teneantur & per qd ſervitiũ, & quant̃ valeant per an̄ in omnibus exitibus. Et inquiſit, &c.

Melius inquirendum.

Sect. 183. This writ lieth where an office found by vertue of a Diem clauſit extremum or Commiſſion is uncertaine in the tenure, value, or Tenants

tenants eſtate of the lands, or otherwiſe. But if ſuch incertaine office be found before the Eſcheator ratione officii onely, then it is void, and no Melius inquirendum ſhall thereupon be awarded. And the Melius inquirendum is ſuch:

Rex Eſchaetori ſuo &c. Salutem. Cum p quandam inquiſitiõ coram A. Eſcheatõr noſtro in Com̃ pd̃ de mandato noſtro captam, & in Cancellar̃ nr̃a returnat̃ ſit cõpertum, q N. defunctus tenuit diverſa terr̃ & tenta cum ptiñ in comit̃ præd̃, & propinquior hæres ejuſd̃ N. ſit ex parte patris ſui, juratores inquiſitiõ præd̃ ignorant: tamen ex part̃ R. matris pd̃ N. filiæ W. B. eſt ejus hæres ppinquior, & ætatis viginti̇ unius annorum & amplius. Et quia in inquiſitione pd̃ quis ppinquior hæres ipſius N. exiſtat minime ſpecificatur tibi pcipim° q per Sacram̃ &c. inquiras quis propinquior hæres pd̃ N. exiſtat, qualit̃ & quo modo, Et inquiſitionem &c. T. &c.

And this Writ is grantable upon ſurmiſe made in the Court, that ſuch former office is ſo incertaine, as is aforeſaid.

Another Melius inquirendum poſt inquiſitionem imperfectam.

Rex Eſchaetori ſuo &c. Cum per inquiſitiõ coram te de mandat̃ noſtr̃ &c. compertum ſit, q A. tenuit die quo obiit unũ meſſuag' in N. in com̃ pd̃ de B. p ſervitũ militare quodq; idem A. tenuit die quo obiit unum toftum cum ptiñ in N. in Com̃ præd̃ de hærede F. I. p ſervitum militare, et quia in inquiſitiõ præd̃ qualẽ ſtatũ et quale jus idem A. habuit in meſſuagio et tofto pd̃ ſeu de quo vel de quibus ead̃ meſſuag' et toftum teneant minime ſpecificat̃: nos volentes inde p te pleni° Certiorari, tibi pcipimus &c. inquiras, qualem ſtatum, et quale jus idem A. habuit in meſſuag' et tofto pd̃ die quo obiit, et de quo vel quibus meſſuag' &c. toftũ pd̃ teneant̃ et p q ſervitium, qualiter et quo modo. Et inquiſitiõ &c. T. &c.

A Writ de Ætate probanda.

IT behoveth the heire of the N. tenant in chiefe being in ward, at his full age, and before livery, to have a Writ to the Eſcheator of the County where he was borne, to prove his age, and it ſeemeth that ſuch a Writ may as well be made to the Eſcheator of the County where his land lieth, for it may be he was borne where the Kings Writ runneth not: as in Ireland, Callice, Warwick, &c. Sect. 184.

Rex dilecto ſibi I. de B. Eſcheat̃ ſuo in com. B. ſalutem. Quia A. de B. qui M. ſororem, et unam hær̃ R. defuncti, qui de domino Edw. nuper Rege Angliæ avo noſtro tenuit in capite duxit in uxorem dicit præfat̃ M. plenæ ætat̃ eſſe, et petit à nobis terras et tenementa quę ſunt de hæ-

reditat ipsius M. et quorum una pars in manu nra, et alia pars in custodia I. de H. ex commissione dicti avi nostri usq; ad legitimam ætatem hæred ejusd existunt sibi redend, per qd volumus, q eadem M, quæ apud G. in com M. nata est, & in Eccles. ejusdem villæ, baptizat fuit ut dicitur, ætatem suam probet coram re. Tibi præcipimus q ad certum diem et locũ, quos ad hoc ꝓvideris, probationem illam per sacramentũ tam milit q proboꝝ et legalium hominum de balliva tua, per quos probatio illa capi, et verita ætatis pd melius sciri poterit et inquiri, capias, et som. fac. pf. I. quod tunc sit ibi ad ostendend si quid pro se habeat vel dicere sciat quare præd H. et præd M. ut illi qui plenæ ætatis est si pleñ ætatis sit, terras et tenta pd reddere non debeamus, et probat illam sic captã nobis sub sigillo tuo, et sigillis eoꝝ per quos capta fuerit, sine dilat mittas, et hoc breve. Teste &c.

Another forme of the writ De Ætate probanda.

REx &c. Quia M. de F. fil' et hær I. defuncti, qui de nobis tenuit in capite, dicit se plenæ ætatis esse, et petit à nobis terr et tenta quæ sunt de hæred sua et in custod nra, usq; ad legitim ætatem hæred præd sibi reddi, ꝓ q volum' q &c. usq; ibi melius sciri poterit et inquiri, capias, & tunc fic. Et probat illam &c. *ut supra*,

But if the King commit the Wardship, the Ætate probanda **must mention the same.**

And if the Wardship by reason of the temporalties of a Bishoprick be in the Kings hands, the writ de Ætate probanda **must mention the same: And yet that is no Court** in capite.

Commission pro ætate probanda.

REx dilect' &c. Sciat assignavimus vos ad inquirend per sacrament tam Militum quam aliorum proborum et legal' hominum de vicinet de N. in com L. si I. fil' & hæres B. apud N. natus, et in Ecclesia, ejusd villæ baptizatus fuit, et quod ratione minoris ætat suæ in custod nostr existit, plenæ ætat sit, ut dicit, necne. Et ideo vobis mandamus, q ad certos diem et locum quos ad hoc provideris, inquisit illam faciat, et illam distincte et aperte factam nobis in cancellar &c. sine dilation mittat, et hoc breve. Mandavimus enim Vicecom nostr Lincoln, quod ad diem et locum, quos ei scire facier venire faciat, &c. In cujus rei testimonium, &c.

And upon this Commission a writ shall be sent to the Sherife to returne a penall before the Commissioners at a certaine day before them limited unto him by their Precept. Thus:

A

A Venire facias to the Sherife upon the ſame Commiſſion.

REx Vicec' &c. Præcipimus tibi, q̄ ſummon̄ per bonos ſummonit̄ xii. tam Milites, q̄ alios ꝓbos & legales homines de viſinet̄ de N. quod ſint corā dilectis et fidelibus A. B. et. C. et hiis quos ſibi aſſociaverimus, ad certos diem et locum, quosiidem A. B et C. tibi ſcire fac', parati ſacrament̄ recognoſcere, ſi F. filius et hæres C. apud N. natus, et in Eccleſia ejuſdem villæ baptiz. fuit, qui ratione minoris ætatis ſuæ in cuſtodia nr̄a exiſtit, plenæ ætatis ſit, ut dicit necne, et interim ad præd̄ Eccleſia et villam accedant, ut veritatem ætatis p̄d̄ diligenter inquirant et nomina eorum imbreviari faciant. Et ſci. fa. E. et S. cuſtodibus t̄r̄ præd' hær̄, q̄ tunc ſint ibi ad audiend' illam recogn̄, et ad oſtend̄ ſi quid oſtar̄ debeat, quare præd̄ I. terras et ten̄ta ſua habere non debeat, et habeas ibi nomina illorum duodecim & hoc breve, Teſte &c.

Whereby appeareth that the committee of the K. ſhall be warned to be there. But if the K. have the ward in his own hands, then this clauſe, Et ſcir̄ fac' E. et S. cuſtod̄ &c. ſhall be omitted in the writ.

Of homage done or reſpited.

WHen a writ of Ætate probanda is executed and returned, and that the heire hath proved his age, then he muſt do homage, or agree with the King to reſpite the ſame, and pay reliefe before livery ſued: and a writ teſtifying homage to be done, when the heire is at full age at the death of his anceſtors.

Rex Eſchaetor̄ &c. Sciatis q̄ cepimus hom̄ L. de H. filii et hær̄ B. de H. defuncti, de omnibus terris et tenem̄tis q̄ idem B. pater ſuus tenuit de nobis in Capite die quo obiit, et ei terras et tenem̄ta illa reddidim', Et ideo tibi præcip. q̄ accepta ſecuritat̄ à præfat̄ I. de rationabili relevio ſuo nobis ſolvend', ad Scaccarium nr̄um, eidem I. de omnibus t̄r̄ tenementis p̄d̄, et de quibus præf. B. pater ſuus fuit ſeiſitus in dom̄ ſuo ut de feodo in balliva tua die quo obiit, q̄q; occaſion̄ mortis ejuſd' B. cap' ſunt in man̄ nr̄a, plenā ſeiſ. hab' fac': Salvo jure cujuſlibet, et ſalva Mat. q̄ fuit uxor B. ration̄ dote ſua, ipſam de t̄r̄ et ten̄t̄ præd̄, ſecund̄ legem & conſuet̄ reg. nr̄i Angl' contingen̄t̄, ei per nos aſſign̄. Teſte meipſo, &c.

But if the heire were in ward, and hath proved his age, the writ of the homage received, muſt be thus.

Rex &c. Qui N. de E. fil' & hæres R. de C. defuncti, qui de Domino Edwardo nuper reg' Angl' avo noſtro tenuit in capite, ætatem ſuā coram

te ſufficienter probavit, ſicut per probationem de mandato noſtr̃ captũ & in Cancellar̃ noſtram retornat̃, eſt compertum, ceperimus homagium ipſius N. de omnibus terris et tenem̃tis q̃ idem R. pater ſuus tenuit de dict̃ avo nr̃o in Capite, die quo obiit, et ei terras et tenem̃t illa reddidimus. Ideo ibi p̃cipimus, q̃ eidem N. de omnibus terris et tenem̃tis p̃d̃ de quibus præd̃ R. pater ſuus fuit ſeiſitus in dominico ſuo ut de feodo in balliva tua die quo obiit, et per mortem ejuſdem R. in manum dicti avi nr̃i capti fuer̃, et in manu noſtr̃ ſic capta exiſtunt, plenam ſeiſinam habere facias, ſalvo jure cujuſlibet, Teſte &c.

Diem clauſit extremum poſt mortem felonis.

When the King hath the lands of his wife, by reaſon that her husband was outlawed for felony, then after the husbands death the Diem clauſit extremum is ſuch:

Quia A. cujus terr̃ et tenementa quæ ipſe tenuit de jure et hæreditat̃ N. nuper vxoris ſuæ, adhuc ſuperſtitit, ad manus domini E. nuper regis Angl' 4. poſt conqueſtum, occaſione cujuſdam utlagariæ in ipſum A. ꝓ quadam felonia, unde indictatus fuit, ut dicit, ꝓmulg', devener̃, in manu dom̃ H. &c. patris noſtri extiterunt, et ſic in manu noſtra exiſtunt diem clauſit extremum &c. Tibi præcipimus, quod per ſacrament̃ &c. inquiras q̃ teñt, ratione feloñiæ p̃d̃, ad manus ipſorum nuper Reg. devener̃, et adtunc in manu noſtra ſic exiſtunt, et de quo vel de quibus tenant̃, et per q̃ ſervitium, et qualiter, et quo modo, et quantum terr̃ et tenta illa valeant per annum in omnibus exitibus juxta verum valorem eorund̃, et quis vel qui terras et tenementa illa à tempore perpetrationis feloñiæ præd̃ occupavit vel occupaverunt, et exit̃ et ꝓficua inde percepit vel perceperunt, quo titulo, qualiter, et quomodo, et inquiſit, &c.

Nihil ſimul & natum, & perfectum.

WIL. WEST.

An-

An addition of ſome Engliſh Pleadings to

to be practiſed, and in uſe for cauſes determinable in the K. Majeſties moſt honourable Court of Exchequer.

An Information againſt Intrudors into the Kings lands unlawfully.

To the right ho. Sir I. C. Knight, Chancellor of his Majeſties Court of Exchequer, Sir L. T. Knight, Lo. chiefe Baron of the ſame Court, and to the reſt of the Barons there.

Sheweth and informeth your Lordſhips Sir F. B. Knight Atturney generall of our ſoveraigne Lord K. James, that whereas his Majeſty is ſeiſed in fee in right of his highneſſe Crowne of England, of, and in five acres of land, arable and paſture, in the tenure of H. C. and of and in two acres of land arable and paſture, in the tenure of T. B. and of and in two acres of paſture land lying in Popes ſtreet in the tenure of E. R. abutting upon the lands of our ſoveraigne Lord the K. Majeſty, on the North: all which were late the lands and poſſeſſions of one H. K. deceaſed. And alſo of and in a meſſuage or tenement, with the appurtenances, and a parcell of land, meadow, or paſture, lying at Popes ſtreet aforeſaid, in the pariſh of Eltham, in the tenure of the aforeſaid E. R. which ſaid premiſſes laſt recited were ſometimes the lands and poſſeſſions of one I. C. late of Eltham deceaſed: And one meſſuage with the appurtenances, lying in the towne of Eltham aforeſaid, in the tenure of W. S. ſometimes the lands and poſſeſſions of I P. alſo deceaſed. All which foreſaid premiſſes, with their appurtenances, are ſcituate within the County of Kent. And of and in a parcell of ground containing two acres or thereabouts, lying in Lambeth in the County of Surrey, upon which ground a great Barne called the Tythe Barne of Lambeth ſtandeth, which ſaid paſture ground extendeth from a great gate ſcituate in Lambeth Marſh, lying in the North eaſt end and ſo towards the South, and to the common Sewer next adjoyning to the Orchard of the Lord Archbiſhop of Canterbury his Grace, in the tenure of C. W. Vintner, or his aſſignes, Neverthelleſſe the ſaid E. R. W. S. and C. W. without title reſpectively, have unlawfully intruded, entred Sect. 1.

entred into and upon the forsaid messuages, and other the premisses, that is to say, the said E. R. hath entred into the lands and tenements aforesaid, being in her owne tenure, and in the tenures of the said H. C. I. C. and T. B. in Eltham aforesaid, and the said W. S. and C. W. hath entred into the lands & tenements in their own severall tenures aforesaid and the issues and profits thereof yeerly comming and renewing, from the first day of April in the said first yeere of the said Kings Ma. that now is, untill the day of the date of exhibiting of this Information, have and do receive and take to their owne proper uses and behoofs, or to the use or behoofe of some of them, and yet doth, without any thing paying yeerely to his Ma. for the same, to the disherison of his Majesty in the premisses: wherefore his Majesties said Atturney generall prayeth the consideration of this Court in the premisses, and that the said Elizabeth R. Will. S. and C. W. may answer the premisses, & to shew by what right or title they hold the same, and for that purpose to award his Ma. gracious Writ of Sub pœna unto them, and either of them for to be directed, commanding them and either of them to be and to appeare before your L. in his Ma. high Court of Exchequer Chamber, then and there for to answer and be ordred in the premisses, &c.

An Information against disturbers, wasters, and spoilers of the Kings game, within one of his Majesties Parks.

Sect. 2. SHeweth and informeth your honors Sir H. H. Knight and Baronet his highnesse Atturney generall, That whereas his Majesty is lawfully seised in his demesne as of fee, in the right of his Crowne of England, of, and in one Parke called Haughton Parke, and the Lodge there, within the County of Bedford, as parcell and member of his highnesse honor of Amptill in the said County of Bedford: and that his said Majesty, and all his progenitors Kings and Queens of this his Realm of England, and their assignes, have continually held and enjoyed the same Parke and game of fallow Deere, and the game of Conies, and all woods, underwoods, profits, and commodities whatsoever, comming or arising of or in the said Parke and Lodge, without any disturbance, title, or claime made, or pretended thereunto by any person, untill about some foure moneths last past one G. C. gent. and E. his wife, E. C. gentleman, C. C. gent. T. T. T. H. I. D. W. S. T. P. H. C. and divers others yet unknowne, to the number of twenty persons, have confederated and combined themselves together, to make spoyle and havoke of his highnesse said game of Deere and Conies there being within the said Parke, and to waste, cut, digge up, spoile, and carry away his Majesties trees, and woods, underwoods, growing and being within the said Parke, without any right or title, and have sold, taken,

and

and carried away the hay which was prouided for the maintenance of the Deere this winter season, to the great losse and prejudice of his Ma. and to the vtter destruction and spoyle of his Highnesse said game of Deere and Conies, woods, vnderwoods, mounds, and fences of the said Park, if present remoue may not be had of the said disordered and vnruly persons, and every of them. And for that many of the said spoyles are done secretly, and in the night season, so that there can bee no direct proofe to proue the same, and so the same cannot be discouered, vnlesse by their oathes they shal declare the truth, May it therfore please your good honors to grant his Ma. most gracious writ of Sub pœna, to be directed vnto them and every of them, thereby commanding them and every of them, at some day, vnder some paine therein to be limited, personally to appeare before your honors in his Majesties said court of Exchequer chamber, then and there to answer the premisses, and to set downe vpon their oaths what estate they or any of them claime in the same Park and Lodge, and by what colour of title they haue intruded into the same, and what Conies they or any of them haue killed in the same Park within foure moneths now last past, and by what warrant, & by whose meanes, perswasion, and procurement, and what trees, woods, or vnderwoods, they or any of them haue felled, lopped, cut, or carried away in the said Parke within the time aforesaid, and by what warrant, title or colour of title, and what hay prouided for the Deere there, they or any of them haue sold or carried away. And withall, to grant his Ma. most gracious writ of Injunction, therby commanding them and every of them, not only to forbeare all further outrages, hauocks, and spoyles in the said Parke, but withall to leaue the quiet possession vnto such as it shall please his Ma. to appoint keepers and ouerseers of the said Parke, and further to stand to such order concerning the premisses, as to your honors vpon the hearing of the cause shall seeme meet.

A Bill exhibited by a Collector against two persons that confederated to defraud the plaintife, &c.

To the right hon. T. Earle of Suffolke, L. high Treasurer, &c.

HVmbly compl. sheweth vnto your good L. your daily Orators G. S. of Cawston in the county of Norff. gent. collector of the rents of our soueraign Lo. the K. Ma. belonging to the late dissolued Monastery of Horsham Saint Faiths in the County of Norffolke, and E. S. his sonne, one of the Clerkes of W. H. Esquire, one of the Auditors of his Majesties Exchequer, That wheras one R. H late of Dalgrave in the County of Suff. publique notary deceased, did in his life time vsually lend and let out money at interest, and did oftentimes take bonds and assurances for his money to and in the names of other men, whose Sect. 3.

names he vſed ſometimes without their priuity or knowledge, and ſometimes with their priuitie and knowledge. But yet nevertheleſſe although the bonds and aſſurances were taken to and in their names, yet their names were vſed in truſt by the ſaid R. H. and the bonds aforeſaid, and the debts therein contained were the debts of the ſaid R. H. in equity, and to him due and belonging: And whereas the ſaid G. S. and E. S. did borrow of the ſaid R. H. the ſumme of foureſcore pounds, and for the payment thereof your Orators entred into ſeverall bonds to one A. S. ſeruant of the ſaid R. H. and the bonds aforeſaid remained in the cuſtody or command of the ſaid R. H. and your Orators paid to the ſaid R. all the ſaid ſumme of foureſcore pounds except xx. li. thereof, and the ſaid R. deliuered vp to your Orators all the ſaid bonds except one, to be cancelled and made void, and your Orator G. being cozin to the ſaid R. H. he the ſaid R. did often tell your ſaid Orator, that hee meant to make your Orator one of his Executors, and that hee meant to beſtow much vpon your Orator, by reaſon whereof your Orator did not pay the ſaid twenty pounds, nor the ſaid R. H. never demanded the ſame, he purpoſing, as your Orators verily think, to beſtow the ſaid twenty pounds, and much more, vpon your ſaid Orator. And the ſaid R. H. made diuers Wills, in which Wills he gaue your Orators and either of them diuers Legacies, and thereof made your Orator G. his Executor, and about May one thouſand ſix hundred and thirteene the ſaid R. H. died. But now ſo it is, may it pleaſe your good Lordſhips That one W. B. of Wingfield in the County of Suff. having gotten into his hands and cuſtody the ſaid Wills and Bonds, and other goods and chattels of the ſaid H. he the ſaid W. B. pretendeth, and giueth out in ſpeeches, that the ſaid R. H. before his death made a latter will, and that he made him the ſaid B. his Executor, and that the ſaid H. began the ſame Will, and that, that hee the ſaid B. did finiſh the ſame, whereas in truth the ſaid pretended Will was not finiſhed in his life time of the ſaid R. H. but if ever the ſame was finiſhed and ended, it was done after the death of the ſaid R. H. And hee the ſaid R. H. appointed diuers Legacies to be giuen to your Orators, which are wholly omitted out of the ſaid laſt pretended Will. But the ſaid W. B. giueth out in ſpeeches, that the ſaid R. H. appointed him by word to deliuer vp the ſaid Bond to your Orator to bee cancelled and made void. And the ſaid W. B. and A. S. although they know all the premiſſes to be true, and they both well know that the ſaid twentie pounds was in equity due to the ſaid R. and was his proper debt, and not a debt due to the ſaid A. And that the ſaid R. H. did ſo accompt the ſame, and did make a note in writing, in which all or the moſt of

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his debts were contained, and in the note aforesaid, the said debt of your said Orators is contained: and although the said R. H. gave the said A. lands worth thirty pounds by the yeere, and a Legacie of one hundred pounds, yet hee did not give him the said debt due by your said Orators, nor did purpose that he should have the same. And the said W. B. and A. S. although they know all the premisses to be true, yet nevertheless they the said W. B. and A. S. by combination and confederacie betweene them, do practise and go about not onely to defraud your Orator G. of his Executorship, and both your Orators of all the Legacies and things to your Orators appointed to bee given and delivered, as aforesaid, but also to charge your Orators with the said debt of twenty pounds, and with the penalty of the Bond aforesaid: And to that purpose, by and upon the combination aforesaid, they the said W. B. and A. S. threaten to commence and prosecute suit against your Orators upon the Bond aforesaid, and to recover the penalty thereof against your Orators, contrary to all right and equity. And hee the said W. B. hath wholly omitted out of the said pretended Will and Testament by him finished as aforesaid, all the Legacies and things aforesaid, appointed by the said R. H. to be given and delivered to your Orators: And having been by your said Orators oftentimes required to deliver him the Wills, wherein your Orator G. was named Executor: And also let your Orators know what Legacies and things the said R. did appoint to be put into his said Will for your said Orators, and what things he appointed the said W. B. or any other, to give or deliver to your said Orators. Yet so to do he the said W. B. hath denied and refused, and doth deny and refuse: And although your Orators have oftentimes desired the said W. B. and A. S. to deliver up the Bond aforesaid, to your said Orators to bee cancelled and made void: yet so to do they the said W. B. and A. S. and either of them have denied and refused, and yet do deny and refuse, contrary to all right, equity, and good conscience. In tender consideration whereof, and for as much as your Orators have no sufficient matter at the common Law to plead in barre of any action, to be commenced or prosecuted at the common law, upon the said obligation, but are altogether remediless herein by the strict course of the common law, and for as much as your Orators cannot certainly know what legacies and things were given to your said Orators by the said R. H. nor what things he appointed the said Executor to give or deliver to your said Orators, but hopeth that the said W. B. will declare the truth thereof upon his oath. May it therefore please your good Lo. the premisses considered, to grant to your Orators the Kings Majesties most gracious writ of Sub pœna, to be directed to the said W. B. and A. S. commanding

manding them and every of them thereby at a certaine day, and under a certaine paine therein to be limited, personally to be and appeare before your L. in his Ma. high Court of Exchequer Chamber, then and there to answer the premisses, And to stand to and abide such further order and direction therein, as to your L. shall seeme to stand with equity and good conscience. And your Orator shall daily pray, &c.

A bill preferred by the Kings Patentee, being tenant for life of certaine Offices and fees against two persons that would frustrate the Kings Letters Patents thereof made, to the prejudice of the Kings title, &c.

To the right Hon. Sir I. C. Knight, &c.

Sect. 4. COmplaining sheweth unto your honors your daily Orator T. L. Esquire, one of the Gentl. of his Ma. privie chamber, and I. H. of Gent. That whereas his Ma. that now is, and others his highnesse predecessors, Kings and Qu. of this his Ma. Realm of Engl. have bin seised to them, their heires, and successors, as of fee and right, as in the right of his M. crown of Engl. of, in, and upon the office of his M. castle of S. within the County of Y. and also of, in, and upon the office and offices of the porter and keeper of the gate of the said castle, and of, in, & upon the offices of keeper of his Ma. garden and orchard belonging to the said castle, and of, in, and upon the office and offices of bailife of S. in G. within the said County, and of, in, and upon the office and offices of Clerk of his M. severall Courts of S. and S. aforesaid, and of, in, and upon the severall fees, wages, and allowances to the said offices respectively severally belonging, and of, in, and upon a certain parcell of ground in S. aforesaid, called the C. G. and of, in & upon a certain parcell of land lately inclosed within the wals of the said Castle, all which said premisses were sometimes parcell of the possessions of his Majesties Duchie of Yorke. And his said Majesty being seised of the said Offices, and of, in, and upon all and singular the premisses, as aforesaid, by his Highnesse Letters Patents bearing date at Westminst. the eight day of November, which was in the eleventh yeere of his said Highnesse raigne, amongst other things, for the consideration therein mentioned, of his especiall grace, certaine knowledge, and meere good will, for his said Highnesse his heires, and successors, did give and grant unto your said Orators the said office of Constable of his Majesties said Castle of Sherife Hutton, and also the said office and offices of Porter, and keeper of the gate of the said Castle. And also the said office and offices of keeper of his Majesties Garden and Orchard belonging to the said Castle. And also the said office and offices of Bailife of Sutton in Gal-

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tres aforesaid: And also the office and offices of Clerk of his Ma. severall Courts of Sheriffe Hutton and Sutton aforesaid. And also the severall fees, wages, and allowances to the said offices severally and respectively belonging, together with the said two severall parcels of land, and with all and singular their appurtenances. And also by the said letters patents hath made constituted, and appointed your said Orators Constable of his Ma. said Castle of S. and also porter and keeper of the gate of the said Castle, and also keeper of his H. said garden and orchard, and also Bailife of S. in G. aforesaid, and Clerk of his M. severall Courts of S. and S. aforesaid to do, performe, fulfill and execute all and every thing and things touching and concerning the said severall offices or any of them. To have, injoy, exercise, and occupie the said offices and either of them with their appurtenances, and all and singular, other the recited premisses to your said Orators, and either of them aswell by him or themselves, as his or their sufficient deputy or deputies, during the lives naturall of them your said Orators and either of them. And moreover his said H. of his more ample grace and certain knowledge, and of his meere good will hath given and granted for himselfe his heires and succ. to your said Orators & either of them for the said offices, exercising and occupying certain wages and fees by the yeer yeerly to be received and taken forth of the issues, rents, farmes, revenues, and profits of his Ma. said L o. of S. aforesaid from time to time comming, increasing or arising by the hands of his said Ma. generall receiver of the county of Y. aforesaid for the time being, at the feast of S. M. the Arch. and the Annunciation of our blessed virgin M. to be paid during the lives naturall of your said Orators and the longer liver of them together with all other the wages, fees, allowances, liveries, diets, profits, commodities, advantages, authorities liberties, places, and preheminences whatsoever to the said severall offices of right due accustomed, belonging, or appertaining, or heretofore perceived or had by any person or persons whatsoever by reason of them or any of them. And further his said Ma. by his High. said letters did for himself, his heirs, & succ. give and grant to your said Orators and their assignes, and either of them all and singular the amerciaments, fines, perquisits, profits, and estreats of the courts of viewes of frankpledge, together with all and singular cattles, waives, estrates, felons, & fugitives goods, arising, chancing or hapning, within the Manor or L o. of S. aforesaid. By vertue whereof your said Orators entred into the said offices and other the premisses and were thereof seised in their demesne as of freehold, viz. of the said lands and grounds in their demesne as of freehold, and of the said severall offices respectively as of freehold right, and had and exercised the said severall offices by themselves or their sufficient deputy or deputies. But now so it is if it may please your good honours, that one sir J. W.

of

of Sutton aforesaid, Knight, W. B. of A. within the County aforesaid, Esquire, T. W. of Sherkshutton aforesaid, Gent. J. of A. aforesaid, yeoman, and of Sutton aforesaid, yeoman, upon purpose as it seemeth not onely to frustrate the said Letters Patents, but also to prejudice and overthrow his Majesty in his said inheritance, have of late, viz. upon the six and twentieth, seven and twentieth, eight and twentieth, nine and twentieth, and thirtieth dayes of Aprill now last past, and upon the first day of this instant moneth of May entred into, used, and exercised the said Offices of Constable of his Majesties said Castle, and the said Office of Porter or Keeper of the said gate, and the said Office of Bailife of Sutton aforesaid, and the said Office and Offices of Clerke of his Majesties said severall Courts, and had, received, and taken the severall fees, wages, and allowances thereunto severally and respectively belonging as aforesaid. And they or some of them have seised upon or gotten into their or some of their hands, custody, or possession, the Court Rols, Court books, and other the Records and copies of the Rols of the said Court and Courts, purposing to suppresse and conceale them from your said Orators, by reason whereof his said Majestie is greatly indangered to be disinherited, and your said Orators Letters Patents annihilated: and the said Sir J. W. Knight, W. B. T. W. J. and being not herewith contented to use and exercise the said severall fees and allowances thereunto belonging and appertaining, and will by no meanes permit or suffer your said Orators, or either of them, their or either of their sufficient Deputy or Deputies, to have, use, and enjoy the said severall Offices, or any of them according to the purport, true meaning, and intent of the said Letters Patents, but give forth in speeches, that your Orators, or either of them have not any right in, or to the said severall Offices, or any of them, but that they or some of them have good right and title therein, and that they or some of them will use and exercise the said Offices, and take the severall fees and allowances therewith accustomed. In tender consideration whereof, the premisses considered, may it therefore please your good honors, to grant unto your said Orator, his Majesties most gracious Writ of Sub pœna to be directed to the said Sir J. W. Knight, W. B. Esquire, T. W. J. and and every of them, commanding them and every of them thereby at a certaine day, and under a certaine paine therein to be limitted, to be and personally appeare before your good honors in his highnesse Court of Exchequer chamber, then and there to answer the premisses.

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An Answer to a Bill of complaint, that the defendant doth not wrongfully keep the plaintife out of possession, reciting the customes of Copiholders belonging to a Manor within the County of the Citie of Glouceſter.

ALl advantage of exception to the uncertainty and inſufficiencie of the ſaid bill of complaint to this defendant being now and at all times hereafter ſaved, ſhe this ſaid def. for anſwer unto ſuch and ſo many of the matters in the ſaid bill contained, as do and may concerne this def. to be by her anſwered unto, ſaith, that ſhe thinketh it to be true that the lands and tenements in the bill mentioned now in the tenure or occupation of this def. are, and by all the time whereof the memory of man is not to the contrury have beene Copihold lands, parcell of the manors of Upton, S. Leonards in the County of the City of Glouc. and demiſed and demiſible by copie of Court Roll of the ſaid Manor according to the cuſtome of the ſame Manor, and that by and according to the cuſtome of the ſaid Manor, by all the time aforeſaid uſed and approved within the ſame Manor, the wife of every Copiholder dying ſeiſed of any Copihold lands or tenements, parcell of the ſaid Manor hath had and enjoyed, and ought to have and enjoy the ſame lands and tenements whereof her husband died ſeiſed, for and during her widowhood, and that by the ſame cuſtome when any lands or tenements parcell of the ſaid Manors have been granted by copie of Court Roll of the ſaid Manor to divers perſons, the perſon firſt named in the ſaid copie hath had and ought to have and enjoy the ſame during his life. And this def. further ſaith, that ſhee doth thinke it to bee true, that E. Lord Chandos deceaſed was in his life time lawfully poſſeſſed of the ſaid Manor of S. Saint L. for divers yeeres then to come, and unexpired. And that he the ſaid Lo. E. ſo being poſſeſſed thereof, in or about the ſecond yeere of the raigne of our late ſoveraigne Lady Q. Eliz. at a Court holden at and for the ſaid Manor by his then Steward of the ſaid Manor, did by copie of Court Roll of the ſaid Manor grant the premiſſes to W. W. deceaſed, this defendants late husband, and J. W. his ſonne for their lives ſucceſſively at the will of the Lord, according to the cuſtome of the ſaid Manor, and that the ſaid W. was then admitted tenant of the premiſſes accordingly, and that by vertue thereof the ſaid W. W. was ſeiſed of the premiſſes in his demeſne as of freehold for the terme of his life at the will of the Lord, according to the cuſtome of the ſaid Manor, And that the ſaid W. W. ſo being thereof ſeiſed about fourteene yeeres laſt paſt, did marrie and take to wife this defendant, And afterwards about five yeeres laſt paſt the ſaid William Sect. 5.

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died ſo ſeiſed of the premiſſes, by and after whoſe deceaſe this def. into the premiſſes entred, and held her ſelfe, and yet doth hold her ſelfe in the ſame, according to the cuſtome of the ſaid manor, and hath taken and doth take the iſſues and profits of the premiſſes, as lawfull it was and is for her to do as ſhe taketh it, without that, that to this def. knowledge the premiſſes, or any part thereof, are, or is, or ever were or was parcell of the manor of Barton Abbots in the bill mentioned, or that this def. doth unjuſtly hold or keep the poſſeſſion of any lands or tenements from the compl. as in and by the ſaid bill is ſuppoſed. And this def. denieth that ſhe hath or ever had any Charter, Deed, Leaſe, Evidence, Book, Account, Court roll, Rentall, Terrer, or Muniment touching the ſaid manor of Barton Abbots, or any part thereof.

An Anſwer of three defendants ſuppoſed by the plaintifes bill to have no lawfull title to the lands mentioned in the bill: which Anſwer was taken by Commiſſioners and returned.

Sect. 6. THe ſaid def. ſaving to themſelves now and at all times hereafter all benefit and advantage of exception to the incertainty and inſufficiencie of the compl. ſaid bill of compl. for anſwer thereunto they joyntly and ſeverally anſwer and ſay, That before the making of the ſuppoſed leaſe in the bill mentioned, our late ſoveraign Lady of famous memory Q. Eliz was in her life time ſeiſed in her Highneſſe demeſne as of fee, in the right of her late Highnes Crown of England of and upon all that her Highneſſe part of two parts in five parts divided, of the herbage and pannage of the parks and premiſſes in the bill mentioned. And being thereof ſo ſeiſed before the time in the bill mentioned, did by her late Highneſſe letters patents under the great ſeale of England, demiſe the ſame unto theſe defend. by the name or names of all that her late Highneſſe part of two parts in five parts divided, of the herbage and pannage of all theſe three parks at R. in the Bith. of D. called the Eaſt park, the middle park, and the Weſt park. And alſo all the part of two parts of five parts divided of one cloſe called horſe cloſe, alias the Crows in the ſaid County of D. And alſo all that part of two parts in five parts divided, of one grange or farme called the high wood of L. in the Bith. of D. All which premiſſes, with their and every of their appurtenances, then or lately before were in the tenure or occupation of J. D. Gent. or his aſſignes, and parcell of the poſſeſſions of T. late Earle of W. attainted of high treaſon. And all houſes, edifices, buildings, barnes, ſtables, dove coats, yards, orchards, gardens, lands, medowes, feedings, paſtures, commons, and all other profits, commodities, advantages, and emoluments whatſoever to the ſaid before demiſed premiſſes, or to any part or parcell thereof in any wiſe belonging

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or appertaining, or with the same or any part or parcel therof (under the severall rents by the said letters patents reserved) had, known, accepted, used, occupied and injoyed, with all and singular the appurt. whatsoever (excepting alwayes & reserving to her late M. her heirs and succ. all timber trees, woods, underwoods, mines, & quarries in the said premisses. To have & to hold to the said M. D. the one of these def. and her assignes from the making of the said letters pat. for the term of her life, & after the death surrender or forf. of the said M. D. then the said premisses to remaine to the said A. D. another of these def. and to his assigns for terme of his life. And after the death, surrender, or forf. of both the said M. D. & A. D. then the said premisses (except before excepted) wholly to remain to the said B. D. & her assigns for the terme of her naturall life. Yeelding therefore yeerly to her late highnesse, her heires & successors for the said part of the said three parks called the east park, middle park, and west park with the appurtenances 4. li. 9. s. 3. d. ob. and for the said part of the said close called the horseclose, alias the Groves with the appurtenances 3. s. 4. d. And for the part of the said Grange or Farme called the high wood of L. with the appurtenances 22. s. of lawfull English money at the feasts of the blessed virgin Mary, and S. Mich. the Archang. by even and equall portions yeerely during the severall termes aforesaid, to her late highnesse her heirs and successors receiver of the Exchequer, or to the hands of the Bailife or receiver of the premisses for the time being, and after the decease of the said M. A. and B. dying tenants in possession of the said premisses, then yeelding and paying to her late highnes, her heires and successors 3. li. of lawfull mony of England in the name of a hariot of them which shall so die, as by the said letters pat. to which reference be had it doth and may more plainly and at large appeare. And these def. further say that by vertue of the same letters pat. the said M. the one of these def. together with her husband entred into the said premisses demised, and she and her husband whilest he lived, and her selfe ever since injoyed the same, and payed the said rent reserved by the said letters patents to her late Ma. use, and to the kings most excellent Ma. that now is since her late highnesse death. Wherefore these defendants humbly pray the Order of this honorable Court, for the quiet possession of the said premisses, against the complainant, having heretofore so many wayes vexed this defendant M. and the said J. D. her late husband deceased about the same without any just cause or colour of right, as shee verily thinketh, but of purpose as they these defendants verily thinke to weary them with continuall suits, the complainant being a man of great might and riches, and these defendants of farre meaner ability. And these defendants further say, that there have beene severall suits in this honorable Court, stirred up by the complainant or by his means as they

thinke

think touching the title of the said lease, and the same could never bee impeached. For which cause these def. humbly pray the consideration of this honourable Court for their quiet possession of the said premisses, and to be dismissed out of this honourable Court with their costs and charges herein wrongfully had and sustained, without that the said late Queene of famous memory Qu. Elizabeth ever made any lease to the compl. of the premisses, in the bill which is good in law, as these defen. verily think and are perswaded, or that the compl. is by force thereof seised and interessed in the same, or ought to have and injoy the possession of the said premisses, as in the bill is alledged: or that these def. have no right to the said premisses, as in the bill is alledged. Or that the compl. hath hitherto well and truly paid the said yeerely rent reserved by his pretended grant for the said premisses to these def. knowledge. Or that the same is any thing materiall to these def. Or that any other matter, article, or thing in the said bill of compl. contained materiall or effectuall in the law to bee answered unto, and herein not sufficiently answered unto, confessed, and avoided, or otherwise traversed or denied is or beene true. All which matters these def. are and be willing and ready to averre and prove as this Hon. Court shall award, and humbly prayeth as before they have prayed.

An Answer of an Vnder-Sherife to a bill exhibited against him and others, for corruption and deceitfull dealing in his Office.

Sect. 7. All advantages of exception to the incertainty and insufficiencie of the said bill of complaint, and to the person of the said T. J. the Pl. a man notoriously knowne for his turbulent spirit, who by the space of many yeeres hath pestered and vexed many persons with many unjust suits and troubles, and who by his owne shewing in his said bill was a competitor and confederate with the said W. T. and B. to cover the corruption which he lateth to the charge of the said T. and to defraud the Kings Majesty of the said 20. li. mentioned in the said bill, if his Highnesse had any right thereunto, as the said complainant in his said bill pretendeth he had, but rather to defraud the said Bishop of B. wherein the plaintife having a purpose by obtaining the said T. acquittance out of the hands of the said B. and C. to take up and get into his owne hands and possession from the said T. the foresaid 9. li. mentioned in the same acquitance. It is very like he meant thereupon to convert it to his own use making little care of his said bond, so hee might have gotten the 9. li. into his possession, and now he lieth in prison by proces awarded against him upon his said bond, for that he hath neither paid the said nine

nine pounds, nor reckoned the said acquitance, as this defendant is credibly informed. Hee this defendant, for answer to so much of the said Bill as concerneth this defendant, saith, That true it is that this defendant was Under-Sheriffe to the said Sir J. P. in the fift yeere of the Kings Majesties raigne, and did execute the same office under the said Sir J. P. during his said office of High Sheriffe. But this defendant saith, that such processe as issued out of this Court, and the Pipe offices, under the titles and names of Greenewaxe, Summons of the Pipe, & de firmis, & de debitis recusantium, and estreats and gathering up for levying of fines, forfeitures, issues, amerciaments, debts, & such like leviable by such Chequer proces, as aforesaid within the said countie of Somerset, directed to the late Sheriffe, were by him or by his appointment, delivered over to the said W. T. a man of good credit and well acquainted in those services, unto whom the said Sir J. P. had given warrant for the due executing of the same processes & estreats: the same T. having given good security by bond to the said Sir J. P. for the due collecting and levying of all the particular sums given in charge upon the said proces and estreats, which should be levied by him. As also for the making and passing of a true & perfect account in this honorable Court, concerning the same. And that which concerned other matters and processe out of this hon. Court, directed to the said late Sheriffe, which came to the hands of this defendant, hee this def. did execute and returne the same to the good satisfaction of the said Court, and of the officers and ministers therof, whom or whose offices the same concerned. And this def. confesseth, that this defendant and the said T. at the day prefixed as ministers of the said Sheriff, for him and in his behalfe, were sworne in this honorable Court, to make unto his Majesty a true and just account of the issues of the said Sherifewicke of the said Sir. J. P. which this defendant did accordingly, for all such receits and matters of account answerable in this hon. Court, as passed through his hands or dealings. But for the matters concerning the said Recognisances, and other debts and matters of that name and quality, committed to the said W. T. the same W. T. upon his said oath did yeeld account for those, in such sort as in the record of the said account appeareth: which account, for any thing this defendant knoweth to the contrary, was and is true and just. And if it were not, yet is not this def. to be troubled or called into question for the same, for he utterly denieth that hee was or is guilty of any purpose of concealement of the said twenty pounds, or of the nichilling of any of the said sums mentioned in the said Bill of complaint, or of any of the confederacies, abetments, concealements, contempts, frauds, deceipts, or corruptions, wherewith he is charged

in the ſaid Bill of complaint as in the ſame Bill is ſurmiſed. And as to the ſetting over of the ſaid ſums of twenty pounds unto the ſaid R. C. Bailife of the ſaid Biſhop of Bath and Welles, this defendant thereunto ſaith, that the ſame was not done by him, nor by any means of his, but he ſaith, that the ſame was done upon true, juſt, and lawfull cauſe, and that the ſame belonged to the ſaid Biſhop. And without that, that any other matter or thing materiall or effectuall for this defendant to anſwer unto, and not herein confeſſed or avoided, or not denied, is true. All which this def. is ready to averre and prove, and prayeth to bee diſmiſſed with his coſts.

An Anſwer to a Bill wherein the plaintife ſuggeſteth, that the defendant oweth ſervice to the plaintifes Mill.

The Anſwer of T. B. one of the defendants, to the Bill of complaint of W. B. and S. B. complainants.

Sect. 8. The ſaid def. all advantage of exception to the incertainty and inſufficiencie of the ſaid bill of complaint to this def. now and at all times hereafter ſaved, for anſwer thereunto ſaith, That true it is, that the K. Majeſty was ſeiſed in this demeſne, as of fee, of, and in one water corne mill in Birkoſwold aforeſaid, and likewiſe of and in the Manor of Birkoſwold, with a Court Baron of common right belonging to the ſame, to bee holden from three weekes to three weekes before the Steward there: at which Court ſo to bee holden, it hath beene uſed and accuſtomed, time whereof memory of man is not to the contrary, that the homage of the ſaid Court did make, conſtitute, and ordaine By-lawes and Ordinances for the common good of the tenants and inhabitants of the ſaid Manor. The Kings Majeſty ſo being ſeiſed, by his highneſſe letters patents, bearing date at Weſtminſter the ſix and twentieth day of June, in the eight yeere of his Majeſties raigne of England, did demiſe and grant the ſaid Manor and Court Baron, with other the appurtenances (onely excepted and foreprized the Parke and Mill of Birkoſwold aforeſaid) unto J. E. and W. W. of London Eſquires, for three ſcore yeeres immediately from the date of the ſaid Letters Patents, yeelding and paying therefore yeerely, during the ſaid terme, the rent of nine pounds, two ſhillings eight pence. By force of which Letters Patents, the ſaid J. E. and W. W. of the ſaid Manor and premiſſes, were poſſeſſed for the terme aforeſaid. And ſo being poſſeſſed did by their deed indented, bearing date the ſeven and twentieth of June, in the

the eight yeers of his Majesties raigne, grant and assigne unto this Defendant the said Letters Patents, and all their interest and terme of yeeres which they then had in the said Manor and premisses. By force of which grant and assignement this Defendant entred into the said Manor, and now is possessed thereof, for the terme aforesaid, and doth daily pay to the Kings Majesty, the said yeerely rent of nine pounds, two shillings, eight pence, reserved upon the said Lease. And this Defendant further saith, that the Kings Majesty that now is, being likewise seised in his demeane as of fee, of, and in, one fulling Mill within the said Manor of Kirkoswold, did grant the same by his Letters Patents, unto E. F. and F. P. and their heires, rendering yeerely fix shillings eight pence unto the Kings Majesty, and his successors. By force whereof they the said E. F. and F. P. were of the said Mylne seised in fee, and so being seised by their Indenture dated the seven and twentieth of May, in the tenth yeere of his highnesse raigne, and inrolled in his highnesse Court of Chancery, did bargaine and sell the said Mylne unto this Defendant and his heires. By force whereof this Defendant entred into the said Mylne, and is thereof now seised in his demesne as of fee, and for divers yeeres last past, this Defendant hath duly paid to the Kings Majesty the said rent or fee Farme of fix shillings eight pence for the said Mylne. And yet this defendant in all that time hath received no profit or commodity there by the same, being ruinous and greatly in decay. And likewise divers other Mylnes of the like nature, having bin newly builded and erected neere unto the same, so that very little worke or sacking come or will come to the said Mill. And whereas the Complainants in their said Bill of Complaint do alledge, That this Defendant and others in the Bill named, do intend and go about to erect and build another Mylne in Kirkoswold, in the prejudice of the Complainants Mylne: This Defendant answereth and saith, That true it is, that hee doth intend and purpose (as hee hopeth he lawfully may) to re-edifie and build anew the said decayed fulling Mylne. And likewise he must confesse, that he hath given forth some speeches, That towards the charge therof he would adjoyne and annex a private Corne Mylne thereunto for the grinding of his owne Corne. But this Defendant saith, That as yet he hath not framed or laid any foundation thereof, which words were occasioned and spoken by reason that this Defendant, having formerly for the most part used to send all his Corne and Graine to the Complainants Mylne, the same hath beene very evill used in grinding, and excessive multure taken thereof. And though this Defend. hath many times in friendly manner complained therof to the now compl. or to one of them,

yet the same hath beene no way amended or reformed, whereupon this Defendant now of late hath been forced for the grinding of his Corn, to carry the same to a Mylne two or three miles distant from his place of dwelling, to the great trouble and inconvenience to this Defendant. May therefore these things duly considered of and proved to this honorable Court, this Def. hopeth that this Court will not prohibit or hinder this Def. if hee be disposed or determined from annexing unto the said Fulling Mylne a private Corne Mylne, or for altering the same into a Corne Mylne for the Def. private use, and grinding of his Corne, the Trade of Fulling being much decayed, and the said Fulling Mylne being ruinated as aforesaid. And the rather, because this Defendant being Farmour of the said Manor unto the Kings Majestie for the terme aforesaid, is not bound or tyed unto the Complainants Mylne. And likewise the Tenants of the said Manor are not bound, neither do they ow of right any suit, service, mulcture, or soake unto the Complainants Mylne, as this Defendant hopeth to prove unto this honourable Court, for the building whereof this Defendant humbly referreth himselfe unto the Judgement of this Court. And this Defendant further saith, That some Freeholders of the said Manor since the Complainants pretended purchase of the said Mylne, have builded and erected a new Mylne within the said Manor, whereunto the Complainants have taken no exception, but do allow and approve the same, as hee verily thinketh. And divers Freeholders and Tenants of the said Manor do grinde their Corne at the said new erected Mylne: which maketh this Def. verily thinke, That the Bill of Complaint now exhibited is only upon malice, and for vexation grounded (as this Def. is perswaded in his conscience) upon an antient spleen and grudge that W. B. one of the Complainants hath a long time borne unto this Defendant. And he is the rather induced so to think, because the said W. B. the Complainant, being a Tenant of the said Manor, and inhabiting within the same, hath allwayes carried himselfe obstinately and frowardly unto this Defendant, being Farmour of the said Manor, and will not appeare and do his suit at the Court holden for the said Manor, although hee and his Ancestors have allwayes done suit to the said Court, untill now of late hee will not answer thereat, neither will hee be subject to the By-lawes and Ordinances made by the homage of the said Court, according to the ancient usage and custome thereof, nor pay any amerciaments assessed by the said Court, contrary to all right, and to evill example of others, without that the Kings Majestie by his Letters Patents did grant unto the said E. F. and F. P. and to their heires, the

ſaid Corne Myne in Kirkoſwold, or that the ſaid Kings Majeſty did grant by his ſaid Letters Patents, that hee ſhould not build, nor ſuffer to bee builded any other Myne within ſuch a diſtance of the foreſaid Myne or that the ſaid E. F. and F. P. did bargaine and ſell the ſaid Myne, unto the ſaid complainants, or either of them, in manner and forme as in the ſaid Bill is alledged. And without that, that the ſuit, ſoake, and multure of all the tenants and inhabitants of Kirkoſwold aforeſaid, do belong, or of right appertaine unto the compl. Myne, as in the ſaid Bill of compl. is alledged. And without that, that this def. having a purpoſe and intent to defraud the compl. of the benefit of their Myne, and to deprive them of the ſuit, ſoake, and multure to the ſame of right belonging hath framed any other Myne there, or laid the foundation thereof, as in the Bill of compl. is untruly alledged. And without that any other matter in the Bill alledged, and herein not confeſſed, avoided, traverſed, or denied, is true, that any other matters &c. And which maters &c.

An Anſwer to an Information pretending that the defendants Manor of B. is liable for payment of a debt due to the King, with the defendants allegations and matter of diſcharge, within the meaning of the Statute of 33. H. 8. cap. 39.

The ſeverall and particular Anſwer of W. W. Eſquire, to the information of the right honorable Sir Francis Bacon, Knight, his Majeſties Attorney generall.

THe ſaid defendant ſaith, that he is Terretenant and owner of the Manor of Brimpton in the ſaid Information ſpecified, but he is not ſeiſed, neither is tenant or owner of any other the Parkes, Manors, Lands, or Tenements therein mentioned. And as for the ſaid Manor of Brimpton, this defendant ſaith, that under the favour of this honourable Court, the ſame is not lyable or ſubject either in law or equity to the ſaid debt of two thouſand pounds, ſuppoſed by the ſaid Information to be due to his Majeſty: as borrowed of the late Queene Elizabeth by the Earle of Eſſex, for this defendant ſaith, that it is true that the ſaid Earle of Eſſex was never ſeiſed of the ſaid Manor of Brimpton, and ſo conſequently by the lawes and ſtatutes of this Realme, cannot be lyable to the debts of the ſaid Earle. And this defendant ſaith, that the true end and purpoſe, wherefore the ſaid Manor amongſt other things was paſſed by the late Queene to the ſaid T. C. R. W. and other the Patentees in the Bill named, and not to the ſaid Earle himſelfe, was that the ſame ſhould not bee entangled Sect. 9.

with any of the debts or other incumbrances of the said Earle, but that Purchasors might the more freely and safely deale with the said Patentees for the same. And the freedome and cleerenesse of the estate of the said Patentees, was the onely encouragement which drew Purchasors on to buy the said lands conveyed unto them. The said Purchasors knowing, or at leastwise assuring themselves, that the said Earles owne lands, whereof he stood then seised, were sufficient to pay his owne debts: and that therefore, neither his Majesty, nor the late Queene, had any need to releeve themselves for the said debt in point of equity. But for the better satisfaction of this honourable Court, this Def. saith, that by meane conveyances the said Manor of Bzimpton was assured from the said Patentees to one T. J. Citizen and Marchant Taylor of London, and to his heires, and that this defendant, for the consideration of one thousand pounds, or thereabouts, of lawfull money of England, purchased the said Manor of Bzimpton of the said T. J. Anno tricesimo septimo reginæ Elizabethæ, being now about twenty or one and twenty yeeres past, and this defendant doth hold the same of his Majesty in fee farme by the yeerely rent of nineteene pounds, five shillings, and three pence, and the same hath duly paid ever since the said purchase. And this defendant further saith, that hee doth not thinke, that the said debt of the two thousand pounds is due to his Majesty: For albeit by the Record in the said bill mentioned it may appeare, that the same was borrowed of the late Queene, yet this defendant is induced to beleeve, that the same was repaid againe, or imployed in the late Q. service, or pardoned by her Majesty. And this defendant is the rather of that opinion, because it appeareth among the Records of this honorable Court of Exchequer, that in December Anno one thousand five hundred and ten, it pleased his Majestie to pay to the right honourable the Earle of Esser that now is, the sum of three thousand pounds in consideration of some summes of money due to the Earle of Esser his late Father, disbursed for the late Q. service, which had beene against reason and equity for the said Earle to have demanded, or received, if his Father had beene truely indebted to his Majesty in the said summe of two thousand pounds. And this defendant verily thinketh, that it cannot be a good averrement against the said Record, to suggest that the said debt of two thousand pounds was then unknowne, and so much the lesse may any such suggestion be made, because shortly after, there was a bill of complaint exhibited in this honourable Court against the now Earle of Esser and against Sir G. C. Knight: purposely to charge divers Manors of the said Earle of Esser that now is, lying and being in divers Counties,

and

and the Manors of Wakerings lying in the County of Eſſex, being the ſaid Sir G. C. lately the inheritance of the ſaid Earle of Eſſex, in the ſaid bill mentioned, with the ſaid debt of 2000. li. And albeit the ſaid Manors were and are of very great value, and might legally and moſt properly have bin charged therewith if any ſuch ſum had bin due, yet all the ſaid Manors of the ſaid Earle were diſcharged of the ſaid pretended debt for the ſum of 100. li. and the ſaid Manors of Wakerings were diſcharged for the ſum of 50. li. as by the records of this Court, namely in the book of Orders of decimo tertio Jacobi Regis nunc among divers other things moſt plainely it doth appeare. For all which reaſons, that is to ſay, becauſe the ſaid Earle was never ſeiſed of the ſaid Manor of Brimpton, and the ſame was taken in the ſaid patentees names of purpoſe to cleare it from all incumbrances of the ſaid Earle, as this def. conceiveth: and that thereupon this def. did for ſo great and valuable a conſideration, purchaſe the ſaid Manor, and doth pay a great yeerely fee farm rent for the ſame to his Majeſty. And that in all probability for the reaſon aforeſaid, his Ma. was in equity rather indebted to the ſaid Earle, then the ſaid Earle, his heires, or aſſignes, unto his Majeſty. And ſeeing the ſaid Earles owne lands whereof he was ſeiſed, which were truely ſubject to the ſaid debt, ought rather to have bin charged therewith then this def. And nevertheleſſe the ſame were diſcharged, being of very great value, for ſo ſmall a ſum as 150. li. This def. hopeth it will ſtand with the equity of juſtice, and favour of this hon. Court, that this def. and the ſaid Manor of Brimpton, may be diſcharged of the ſaid pretended debt of 2000. li. and of every part thereof, and to allow the allegations aforeſaid to be good, perfect, and ſufficient cauſes and matters, in reaſon and conſcience, within the meaning of the ſtatute made in the 33. yeere of R. H. 8. cap. triceſimo nono, and in the underſtanding and wiſdome of this Court, to diſcharge the ſaid Manor of Brimpton, and this def. of the ſaid debt. Without that any other matter or thing in the ſaid bil of compl. materially alledged concerning him this def. and not hereby traverſed and denied, or confeſſed and avoided, is true, in ſuch manner and forme as in the ſaid bill is ſuppoſed. All which matters this def. is ready to averre and prove as this hon. Court ſhall award, and therefore prayeth to be diſmiſſed out of the ſame, &c.

A Demurrer and Anſwer by the defendant, with the cauſes of ſuch Demurrer in Law, that the plaintife by his Bill hath not enabled himſelfe to ſue in this Court.

Sect. 10. THe ſaid Defendant ſaith, That the ſaid Bill of Complaint is very inſufficient in the Law to be anſwered unto, and ſuch as this Defendant for divers inſufficiencies therein appearing, is not bound by the Lawes of this his Highneſſe Realm of England to make any anſwer unto: And therefore this Defendant with the favor of this honorable Court doth demurre and abide in Law upon the inſufficiencie of the ſaid Bill of Complaint, and doth demand judgement, if he this Defendant ſhall be compelled to make any anſwer thereunto: And for cauſes of Demurrer, this Defendant ſaith, that the ſaid Complainant hath not by his ſaid Bill of Complaint inabled himſelfe to ſue in this honorable Court. For the ſaid Complainant only ſaith by his ſaid Bill of Complaint, that hee is fee farmor of the hoſpitall of Bontham in the ſaid Bill of Complaint mentioned: And ſheweth not under what fee farme rent he holdeth the ſame, neither that hee is a' ? wayes indebted to his Majeſty for any arrerages of the ſaid rent, nor diſabled to pay the ſame rent. And it appeareth of the ſaid Complainants owne ſhewing, that by this ſuit the Kings Majeſty ſhall receive neither benefit nor prejudice, neither doth this ſuit any wayes concerne either the ſaid hoſpitall of Bontham or the Kings Majeſty. And whereas the ſaid Complainant ſuppoſeth by his ſaid Bill of Complaint, that he did diſcover a title for his Majeſty to divers lands, tenements, and hereditaments in the Counties of Kent and Eſſex to a great value, and that he did become a ſuitor to his Majeſty for a recompence for the ſame. This Defend. thereunto ſaith, that the ſame is a generall allegation, without any certainty of the names, places, quantities, qualities, or values of the ſaid lands, which allegations, if the ſame were true, yet it was but the dutie of the ſaid Complainant to diſcover the ſame. And that it was meerely his Majeſties grace and favour to give the ſaid Complainant recompence for the ſame, which the ſaid Complainant ought to take out of favour, and not by any ſuit in Law, or equity in this honourable Court, or elſewhere. And whereas alſo the ſaid Complainant, in, and by his ſaid Bill of Complaint ſetteth forth an agreement pretended to be made betweene him and the ſaid Complainant, and Sir T. A. Knight, in the ſaid Bill named, and this Defendant: And that the ſaid Sir T. A. and this Defend. by the ſaid agreement ſhould have paid to the ſaid Complainant three hundred pounds for his charges and paines out of the firſt monies that ſhould be received or had by

force of any composition, recovery, or sale of any the lands in the said Bill of Complaint mentioned. This Defendant thereunto saith, That the said Complainant sheweth not that there was any money received, levied, or had by force of any such composition, recovery, or sale of any such lands as the said Complainant ought to have done, if hee should have or demand the same. And whereas the said Complainant in and by his Bill of Complaint likewise setteth forth, that the said Sir T. H. and this Defendant agreed to procure or cause to be conveyed from his Majesty unto the said Complainant, or to such person or persons as hee should appoint, certaine parcels of land in the said Bill mentioned, without shewing any manner of availe or consideration to come to them the said Sir T. H. or this Defendant, or either of them for procuring the same, neither doth the said Complainant shew any manner of equity to charge them or either of them, to procure the said conveyance. And whereas also the said Complainant by his said Bill of Complaint setteth forth the said agreement to be made between him the said Complainant, and the said Sir T. H. and this Defend. joyntly, this Defendant saith, that the said Complainant hath not made the said Sir T. H. any partie to this suit, as he ought to have done. And where the said Complainant alledgeth by his said Bill of Complaint, that hee resorted to this Defendant to have had the articles in the Bill mentioned, sealed by him this Defendant, and that he was directed by this Defendant to leave the same with this Defendants servant, This Defendant saith, that the said Comp. doth not shew with which of this Defendants servants he was directed to leave the same, nor that he did leave them with him this Defendant or with any of his this Defend. servants. And where also the said Complainant by his said Bill of Complaint hath laid a confederacie to the charge of this Defendant and his servant, for the keeping of the same articles from the said Complainant: This Defendant thereunto saith, that the said Compl. by his said Bill doth not shew that the same were delivered to this Defendant, or to any his servant or servants, as he the said Complainant ought to have done. For all which causes the Defendant doth demur and abide in Law upon the insufficiencie of the said Bill of Complaint, and doth humbly demand the judgement of this H. Court, if he this Def. shall be compelled to make any answer to the said insufficient Bill, nevertheless if this Def. shall bee compelled to make any answer to the said insufficient Bill, then and not otherwise, all advantages of exception to all and every the said uncertainties and insufficiencies, and to all other the uncertainties and insufficiencies of the said Bill to this Def. now and at all times hereafter saved, this Def. for answer thereunto saith, and doth utterly deny that there were ever to this Def. knowledge any

articles

articles ſealed by the ſaid Sir T. W. to the ſaid complainant, as in and by the ſaid bill of complaint is untruely ſet forth and alledged. And this def. denieth alſo, that there were any ſuch Articles delivered unto this def. or unto any of his this def. ſervants to his this def. knowledge without that, that the ſaid complainant to this def. knowledge having diſcovered any ſuch title for his Mateſty as in the ſaid bill of compl. is mentioned, did thereupon cauſe an information of intruſion to be exhibited into this hon. Court, or that the ſaid compl. at his charge, in or about the time in the ſaid bill mentioned, obtained a verdict for his Ma. in this Court, to this def. knowledge, as by the ſaid bill of compl. is alleadged. And without that, that the ſaid compl. to this def. knowledge did reſolve to uſe any meanes to acquaint his Majeſty with any ſuch diſcovery, and to become an humble ſuiter to his Ma. for the having of any ſuch Letters Patents as in and by the ſaid bill of compl. is ſurmiſed, or that the ſaid compl. to that end or purpoſe did acquaint this def. or the ſaid Sir T. W. therewith (to this def. knowledge) or that the ſaid Sir T. W. and this def. by the compl. meanes did undertake the ſaid ſuit, as by the ſaid bill of compl. is untruly ſet forth, or that thereupon the ſaid Sir T. W. and this def. and the ſaid compl. did come to any ſuch agreement, as by the ſaid bill is alledged, or that the ſaid Sir T. W. and this def. or either of them did agree, procure, or cauſe to be conveied from his Ma. to the ſaid compl. or to any other perſon or perſons whatſoever, any ſuch lands as in the ſaid bill of compl. is ſurmiſed, or that the ſaid articles were ſealed by the ſaid Sir T. W. or that the compl. did ſeale the counter part thereof to the ſaid Sir T. W. to this def. knowledge, as by the ſaid bill of comp. is likewiſe alledged, or that the ſaid Sir T. W. and his defend. have procured any Letters Patents of the premiſſes to be granted from his Majeſty to C. and P. in the ſaid bill named and their heires, upon any ſuch truſt as by the ſaid bill of compl. is alledged. For this def. ſaith, that his Ma. was gratiouſly pleaſed to ſignifie his pleaſure for the preparing of the grant to C. and P. long before this def. had any knowledge or acquaintance with the ſaid compl. And without that, that this def. and his ſervant, by confederacie or otherwiſe, do keep the ſame articles from the ſaid compl. as by the ſaid bill is pretended. And without that, that any other matter or thing in the ſaid bill of compl contained, materiall or effectuall in the law to be anſwered unto, and herein not ſufficiently anſwered unto, confeſſed, and avoided, traverſed, or denied, is true, all which matters this def. is ready to averre, maintaine, and prove, as this hon. Court ſhall award. And humbly prayeth to bee diſmiſſed forth of the ſame, with his coſts and charges in this behalfe moſt wrongfully ſuſtained.

A demurrer and answer to a Bill, wherein the defendants being Farmers of the Alnage and Subsidie for Clothes, are charged with unjust exactions by fees taken of Clothiers.

THe said defendants by protestation say, That the said bill of complaint exhibited against these def. by the said severall compl. and not only in their owne names and on their owne behalfes, but also in the names and behalfes of many others, for severall supposed wrongs done severally unto them is not allowable either by the course of this hon. Court, or of any other Court of Law or Equity, as these def. by their counsell are informed, but each severall party grieved ought severally to seeke his remedy, and may not joyne in one joynt bill of complaint, as the said complainants have now done: for which cause these defendants under the favour of this honourable Court do demurre in Law, and humbly pray the judgement of this honorable Court: Nevertheless if these defendants shall be ordered to make any further answers unto the said bill, then and not otherwise the benfit and advantage of exception to the uncertainties, insufficiencie, and all other the imperfections of the said bill, to these defendants now and at all times hereafter saved, for further answer thereunto they say, and each one of them for himselfe saith, And first the said R. F. T. T. W. H. R. B. T. P. and J. C. six of the said defendants for themselves severally say, and each one for himselfe saith, That the right honorable L. Duke of Lenox, having a grant from the K. Majestie as these defendants have credibly heard and do beleeve of the subsidie and alnage and farme of the subsidie and alnage of vendible and sealeable Clothes, halfe Clothes, and peeces of Clothes, Stuffes, Draperies, and other commodities whatsoever, called and knowne as well by the name of the old as the new Draperies, made, set, or offered to sale, or to be made, set, or offered to sale within this his Majesties Kingdome of England, did heretofore authorise or appoint under his Lordships severall Substitutes or Deputies within the County of Surrey, unto which Substitutes or Deputies, the said now complainants, or most of them, and some of the defendants, named in this bill, being also Clothiers, as namely the said R. F. and W. H. did give or pay iiii.s. upon a pack of Kerseyes, for alnage, subsidie, and other duties to bee required by reason of the said office, which Deputies or some of them did notwithstanding so carry and demeane themselves, as that they gave great trouble and discontentment to the Clothiers in the townes of Guildeford, Godalming, Sect. 11.

and

and Woberth, and other Townes and places in the ſaid County, or divers of them, upon which occaſion to avoid the vexation of themſelves and their neighbours, theſe ſix defendants laſt named (the ſaid R. F. being then Maior of Guildeford) and the reſidue his Brethren and Aſſiſtants offer thereof having beene formerly made unto them, by or from the ſaid L. Duke of Lenor, theſe defendants laſt named did thereupon take in farme the ſaid ſubſidie and alnage, within the ſaid County of Surrey, and in all Cities, Boroughs, Townes, Villages, Hamlets, and places whatſoever within the ſaid County of Surrey, as well within Liberties as without, from the feaſt of Saint John the Baptiſt, in the tenth yeere of his Maieſties raigne, for the terme of two yeeres from thence next enſuing, for and under the yeerely rent or payment of C. li. by the yeere, as by one Indenture of the demiſe and grant thereof, bearing date in or about the twentieth day of June, in the tenth yeere aforeſaid, made unto theſe defendants laſt named, by the right honourable the ſaid Duke of Lenor, whereunto theſe defendants referre themſelves it doth and may appeare. And theſe defendants laſt mentioned, further ſay, that they did not intend, by or upon the taking of the ſaid grant or deputation, to exact or extort any fees, rewards, or ſummes of money, not allowable or juſtifiable by the Lawes of this Realme, as by the ſaid complainants is unjuſtly ſurmiſed, nor to require or receive by vertue or colour thereof, any other ſummes of money then ſuch as the complainants themſelves or moſt of them, voluntarily and without any contradiction (for any thing theſe defendants know to the contrary) had formerly paid to other deputies or ſubſtitutes of the ſaid Duke. But theſe defendants ſay, that upon the taking of the ſaid grant or deputation they did purpoſe and intend to require and take the ſumme of 4. s. upon every pack of Kerſeyes containing twenty Clothes, theſe defendants knowing that ſo much was then uſually given and paid, they then beleeving that ſo much might lawfully bee required and received, neither do theſe defendants yet know the contrary. And theſe defendants would not have given and paid ſo great a yeerely farme for the ſame, if they had ſuſpected they might not have juſtified the receiving of 4. s. upon a pack as aforeſaid. And whereas the ſaid complainants by their ſaid Bill do ſuppoſe that themſelves and all other the Clothiers of, or in the ſaid Townes of Godalming and Woberth, have time out of minde uſed to pay to the Alnagers, onely ſi. s. vi. d. upon every pack of Kerſeyes containing twenty Clothes and no more, to this ſuggeſtion theſe defendants ſay, that they do not know or beleeve that there is or hath beene any ſuch cuſtome in thoſe Townes uſed time out of minde of man, as is ſuggeſted, for theſe defendants are well aſſured that all or the greateſt num-

ber

ber of the now Complainants themselves have many times paid without contradiction the summe of iiii. s. upon a pack to former deputies as aforesaid, neither do these Defendants beleeve that any such prescription can bee made, seeing the making of saleable Kerseyes in those Townes, hath not had so long a continuance as can make a prescription, as these Defendants verily beleeve, but if the same had continued indeed time out of mind, as is pretended, yet sithence the Kerseyes formerly made were some seventeene yards, and none above eighteene yards, and the Kerseyes now made are foure and twenty yards, and two and twenty yards in length, and few or none under twenty yards, and sithence the fees and duties in this case to be received and paid, are allowed by Act of Parliament, these Defendants say, as by their counsell they are informed, that there can bee no good prescription made on this behalfe. And these Defendants last named further say, that they having from the said Lord Duke the Grant aforesaid, they afterwards and before the thirtieth day of June in the said Bill mentioned, did nominate and appoint the said R. L. and P. B. the other two Defend. to be their deputies or servants concerning the said Farme, requiring them to deale justly and honestly with all men in and about the same, and withall, giving them in charge for the ease of the Clothiers, to repaire to their owne severall dwelling houses, and there to measure, search, and seale their Kerseyes, which otherwise they need not to have done, as they are enformed, but might have compelled them to bring their Kerseyes to be measured, searched, and sealed. For which extraordinary paines and travels of the said L. and B. the other Defendants have given extraordinary recompence to them the said L. and B. for all which causes the said other Defendants did give directions to the said L. and B. to require and receive the summe of foure shillings upon every pack, as these Def. did then, and yet do conceive they might lawfully do. Nevertheless if in the judgement of this honourable Court it shall otherwise be resolved and determined, these Defend. do humbly submit themselves thereunto. But these Defend. say further, That they themselves have not received within the time mentioned in the said Bill of the said Complainants, or of any other Clothiers, such summes of money as are by the said Bill suggested, nor have received any summes of money for subsidie, alnage, or any other thing concerning the said farme, office, or deputation, but onely from the said L. and B. upon generall paiments upon their account after sealing the said Kerseyes. And the said R. L. and P. B. the two other defendants for themselves say, that from the thirtieth day of June, in the tenth yeere of his Majesties raigne, untill the fourteenth day of April now last past, as deputies or servants unto the said R. F. T. T. W. H. R. B.

T. H.

T. P. and J. C. have exercised the said office of Alneger in the said county of Surrey, and have as they hope therein behaved themselves justly and honestly, and they are well assured that they have exacted or required no other or greater fees or summes of money during the said time of or from the said complainants or any of them, then what were formerly paid to others, and what these defen. then were informed and did beleeve, and yet do beleeve, were justly due and payable, for which they have already in part, and are ready and willing for the residue to make their account over unto those that employed them. But forasmuch as these two def. are by their councell informed, that if these def. have in truth required and received greater sums of money by colour of the said deputation then by Law is justifiable, although the same be but ignorantly and not wilfully or corruptly done by them, yet they are in danger of divers forfeitures upon divers penall Lawes, for this cause therfore these def. under the favor of this honor. Court, do forbeare to set downe what particular sums of money they have received of any particular person, and for what cause, and thereupon do humbly pray the judgement of this hon. Court, whether they shall bee enforced to make any further answer in this case. Without that, that these def. or any of them, of a covetous desire to inrich themselves, have wrongfully and unjustly, to their knowledge, exacted, taken, and received from the complainants and rest of the Clothiers of Godalming & Woverth against their wils xviii.d. upon every pack of kerseyes, over and above the ordinary, usuall, and accustomed price which hath bin ever paid for the sealing thereof. Or that these def. or any of them denied the sealing of the said kerseyes, upon paine of the subsidy and alnage due for the same. And without that, that there is or ought to be any such custome in the said towns of Godalming and Woverth, for the payment of ii.s. vi. d. onely upon a pack of kerseyes, as by the said bill is surmised. And without that, that any other matter or thing in the said bill of compl. alleadged, and not herein sufficiently answered unto, confessed, and avoided, traversed, or denied, is true, and therefore these def. humbly pray to bee dismissed out of this hon. Court, with their reasonable costs and expences in this behalfe wrongfully sustained.

A Replication whereby the plaintife maintineth his bill exhibited against the defendants for disswading the tenants of the Manor of B. from paying their rents and services to the plaintife being Lord thereof.

The said complainant saving to himself now and at all times hereafter, all & every the advantages of exception, to the incertainties, imperfections, and insufficiencie of the joynt and severall answers of the said defendants, and either of them for replication saith, That the said Bill of complaint by him the said complainant exhibited into this Court against the said defendant, and every clause, article, and thing therein contained, are true, in such manner and forme, as in and by the said Bill of complaint the same are truely set forth and declared. And the said complainant further repleth and saith, That hee doth and will averre and prove, that hee the said complainant under such grant from the late Queene Elizabeth of the Manor of Bellasise and Brempton, and other lands in the said Bill of complaint mentioned, as in the said compl. Bill is set forth, was and is possessed of the said Manor of Bellasise and Brempton, and other the said lands in the said Bill of compl. mentioned, for such terme and under such rent, as in the said Bill of complaint is truly set forth and alledged. And the said compl. further repleth and saith, that hee doth and will also averre and prove that the said Manor of Brempton is and hath beene a very antient Manor, consisting of divers freeholds and customary lands, being parcell of the said Manor and to the said Manor belonging. And that by all the time whereof, the memory of man is not to the contrary, the Lords and owners of the said Manor of Brempton for the time being, have usually had and kept Court Barons, Court Leets, within the said Manor of Brempton, of, and for the said Manor of Brempton. And that the freeholds and tenements of the said Manor of Brempton for the time being, have alwaies without contradiction or denial, from time to time appeared at the Court Barons, and Court Leets of the said Manor, and have there done and performed their suits and services to the Lords of the said Manor for the time being, & that the freeholders have likewise paied their free rents, and acknowledged themselves to bee freeholders of the said Manor of Brempton, as by the Court Bookes and Court Rolls of the said Manor of Brempton may appeare. And the said complainant further repleth and saith, That the said complainant Sect. 12.

plaintant repoſing truſt and confidence in the ſaid defendant F. W. did upon the ſaid F. W. requeſt make and appoint him the ſaid F. W. his ſteward of, and for the Manor of Brimpton for the keeping of Court Leets, and Court Barons for the ſaid compl. in, and for the ſaid Manor of Brimpton. And that the ſaid def. W. hath kept divers Courts, in and for the ſaid Manor of Brimpton, without that, that the cauſe why the ſaid def. F. W. continued not to keep Courts for the ſaid compl. in, and for the ſaid Manor of Brimpton was for the ſaid compl. could not, or would not ſhew unto him the ſaid def. F. W. any antient Court Rols or other ſufficient matter for the proof of his ſaid Manor of Brimpton, and to prove that there were of right free rents belonging to the ſame, and that there ought a Court Baron and a Court Leet to be kept there, as the ſaid def. F. W. in, and by his ſaid anſwer pretendeth. For thereto the ſaid compl. replieth and ſaith, That the ſaid def. F. W. was, or might have bin fully ſatiſfied touching thoſe points by ſeverall preſentments, made unto him by the tenants and homagers of the ſaid Manor of Brimpton, at ſuch times as he kept the Courts of the ſaid manor, for the ſaid compl. who preſented upon their oaths, That all the Freeholders of the ſaid Manor of Brimpton ought to pay their free rents (all which free rents were then by them particularly found & preſented) and ought to do their ſuit of Court and ſervice of the ſaid compl. as L. of the ſaid Manor of B. for the time being, as by verdict and preſentment of the ſaid homage may appeare. And alſo the ſaid compl. for the ſatisfaction of the ſaid def. F. W. touching that matter did at ſundry times ſhew forth unto the ſaid def. F. W. divers antient fines and recoveries, wherein the ſaid Manor of B. was recorded by the name of the Manor of B. contrary to that which in the ſaid def. anſwer is ſurmiſed: And the ſaid compl. further replieth, and ſaith with this, that all the Freeholders of the Manor of B. have time out of mind paid their rents, and done their ſervices and ſuit of Court unto the ſaid compl. ever ſince his, the ſaid compl. eſtate therein, as in the ſaid Bill is alledged: With this alſo that the ſaid defendant F. W. did combine with the other def. R. R. to diſwade the tenants of the ſaid Manor of B. from paying their rents, and doing their ſervices, unto the ſaid complaintant: with this alſo that the tenants of the lands lately purchaſed by the ſaid defendant R. R. have alwayes paid their rents to the ſaid complaintant and his anceſtors, as to the ſaid Manor of B. And that R. W. in the ſaid complaintants Bill mentioned, father of the ſaid defendant F. W. (being a freeholder of the ſaid Manor of B.) hath alwayes paid, and ſtill doth pay his chiefe rent unto his ſaid complainant, and did his ſuit of Court and ſervice to the ſaid complaintant for his ſaid freehold.

And

And the said complainant further replieth, and saith, without that, that the messuages, lands, and rents, of free tenants, amounting to 13.s. 4.d. in Brempton in the said R. R. answer mentioned (purchased by the defendant R.R. of C.M. in his the said def. R.R. answer mentioned) were long since, or at the time of the purchase thereof from the said M. called the Manor of Brempton, as in the answer of the def. R. R. is surmised: Further to, the said compl. replieth and saith, that neither by the Inquisition found after the death of the father of the said C. M. nor by any other Record, wherein the said messuages and lands (sometimes the said C. M. are mentioned or recited) are the same messuages and lands called or known by the name of a Manor. And the said compl. doth and will averre and prove, that the tenants of the said messuages and lands late C. M. for the time being, have paid their rents, and done their suits and services unto the said compl. and his ancestors, owners of the said Manor of Brempton, for the time being, as tenants of the said Manor of Brempton, both before the said def. R. R. bought and purchased the same messuages and lands from the said M. and ffthence, contrary to that which the said def. R.R. in his said answer pretendeth: Without that, that the Bill in the said def. answer, mentioned heretofore, exhibited into this Court against the tenants of the said C. M. by the said compl. was for the same matters now complained of by the said compl. now bill. And the said compl. further replieth and saith, that the said def. have unduly and indirectly dissuaded all the freeholders of Brempton aforesaid, to detaine their rents, and to do no suit or service unto the said compl. as to the said Manor of Brempton. And with this also that the said def. R. R. (by the procurement of the said other def. F. W.) hath unlawfully inclosed the close in the compl. bill mentioned, and thereby hath debarred the inhabitants both of the high wayes lying through the said closes, and of their common belonging unto them, for all manner of cattell, which time out of mind they have had therein. And without that any other matter, clause, article, or thing in the said def. answer contained materiall or effectuall in the Law to bee replied unto, and herein not well and sufficiently replied unto, confessed, and avoided, or traversed and denied, is true. All which matters and things, &c.

A Replication averring that the defendant hath broken parcell of the plaintife in his Manor of E. and forfeited his Copihold eſtate, &c.

Sect. 13. THe ſaid Complainant for Replication, ſaith in all and every matter and thing as he before in his ſaid Bill of Complaint hath ſaid, and doth, and will averre, juſtifie, maintaine, and prove the ſame, and all and every matter and thing therein contained, to bee juſt and true in ſuch ſort, manner, and forme as hee hath therein ſet forth and declared. And for further Replication to the ſaid anſwer, this Complainant doth ſay, that the ſaid W. L. hath entred into the ſaid parcell of land in the ſaid Bill mentioned, called Leakes Croft, and there hath broken the ſople in divers places and ſuncke divers pitts and ſhafts, and at the ſame hath digged great quantities of Coales, and hath ſold the ſame to the inhabitants and tenants of the ſaid Manor, and to other ſtrangers to the great and manifeſt wrong and diſherſon of his Majeſty, and to the great loſſe of the ſaid Lord H. which the ſaid L. hath done of ſet purpoſe, that by the ſaid pitts ſuncke in the ſaid Croft, called Leakes Croft, hee may draine and convey water from Coale mines, which hee intendeth to ſinke in parcell of his Freehold inheritance adjoyning to the ſaid Croft called Leakes Croft, which he cannot ſinke in his owne land, without ſuch meanes to convey the water from them. And further this Repliant ſaith, that thereby the ſaid Leakes Croft is forfeited, although the ſame were before a coppe of inheritance, as in the ſaid anſwer, the Defendant hath ſuppoſed it to be: And the ſaid Defendant doth in his anſwer refuſe to anſwer to ſuch his ſaid intent, which the Complainant hopeth that this honourable Court will thereby take as confeſſed. And the ſaid W. L. doth alſo by unjuſt meanes draw from the Coale workes of the ſaid Lord H. divers workemen, labourers, and chapmen which would there buy and provide Coales. By meanes whereof his Majeſties ſaid Coale-mines are much decayed in value, and profit, and do daily decay more and more. And other Copihold tenants of the ſaid Manor by the like example, will bee imboldned to attempt the like waſte and ſpople: without that, that the ſaid Complainant hath before this time commenced two ſeverall ſuits againſt the ſaid Defendant for the ſame cauſe, as he hath commenced this ſuit in ſuch manner as in the ſaid anſwer is alledged: And without that, that the ſaid Lionella de Scotevile was ever ſeiſed of the ſaid Manor of Erkington, or that ſhe made any ſuch grant, or that the ſame is any way materiall to the matters in queſtion, if any ſuch were. And without that, that there is, or time out of minde of man, there hath beene a ſpeciall cuſtome within the ſaid Manor, that all the cuſtomary

many tenants of the Manor may lawfully digge the soyle, and get the Coales within their copihold lands for their owne use to spend in their owne houses or to sell to others, so the Lords sale of his Coales gotten in the same Manor be no wayes thereby hindered. But the said complainant saith, that if any copiholder of the said Manor doth sinke any pits, or digge any Coales in the said copihold lands without the licence of the Lord of the Manor, the same is a forfeiture of the said copihold estate. Without that, that the compl. did every yeere sell all his Coales which hee got in the said Manor since the said pits sunke in the said Croft called Lakes Croft. And without that that the said def. hath given over his worke, as this def. in his said answer hath alledged: without that, that any other matter or thing materiall or effectuall in the law to be replied unto the said def. answer alledged and contained, and which in his Replication is not sufficiently confessed and avoided, denied, or traversed, is true to this complainants knowledge. All which the Repliant is ready to averre, maintaine, and prove as this hon. Court shall award. And thereupon prayeth as before in his said bill of complaint he hath already prayed.

A Rejoynder, wherein the defendants deny that they detained any glebe lands from the Parsonage of M. as the plaintife in his Bill and Replication hath complained.

THe said def. and every of them do averre, maintaine, and justifie their said answers, and all and every matter and thing therein contained, to be just and true, certaine and sufficient in the law to bee replied unto, in such manner and forme as in the said answers the same are set downe and declared. And do further rejoyne and say, That as well the said compl. said bill, as also the said replication, and the matters and allegations therein comprised, are altogether untrue, uncertain, and insufficient in the law to bee rejoyned unto by these said def. nevertheless all advantages of exception to the incertainty and insufficiencie of the said bill and replication unto the said def. alwayes saved, These said def. for further rejoynder unto the said replication, do say in all things as in their said answer they have said. And also say, that they nor any of them do know or ever heard that the tenants of M. or any of them did ever refuse to have any their copihold grants, or estates made or granted at any Courts kept upon or in the houses, in question, in respect the same were no part of the said Manor of M. For these said def. do say & averre, that the same houses in the said bill mentioned now in question, were alwayes reputed parcell of the said Manor of M. and of the farme houses thereof for any thing these def. or any of them know or Sect. 14.

haue heard to the contrary, unleſſe it were by ſome idle reports and ſpeeches giuen out and diuulged by the compl. themſelues, their ſeruants, or followers, or by ſuch as were deſirous to aduance the title of the ſaid compl. For theſe def. do further ſay, that true it is, that they haue heard that the ſaid compl. or one of them haue a portion of tithe Corne within the Lordſh. or parith of M. in the ſaid County of G. as belonging to the rectory of M. But theſe def. did neuer heare, that the ſaid compl. or either of them, or any vnder whom they claim, euer had any Parſonage, houſes, barnes, ſtables, or glebe lands within the Manor or L. of M. And euen ſo theſe def. think it may be true, that the ſaid compl. or one of them haue the Parſonage or tithe Corne in M. aforeſaid. But theſe def. do not know that the ſaid compl. or either of them, had or haue any Parſonage houſe, buildings, orchard, garden, or glebe lands within the Manor or Lordſh. of M. aforeſaid, belonging vnto the Parſonage of M. aforeſaid. And theſe def. further ſay, That they do not know what exceptions haue bin contained in any Patent or Grant made vnto R. M. Eſquire in the ſaid bill mentioned, nor are theſe def. acquainted what Grant was made vnto the ſaid R. M. neither do theſe def. think it greatly materiall what Grant or exception was made vnto the ſaid Ma. M. of any Parſonage houſe or glebe lands in M. in any Letters Patents, nor what exceptions were contained in any other Letters Patents. For theſe def. do ſay, that neither the ſaid R. M. nor any other by or vnder him, did at any time occupie, or inioy, or take to the iſſues or profits of any Parſonage houſe, barnes, ſtables, buildings, or glebe lands in M. aforeſaid, or paid any rent or fee farme for the ſame. Without that, that theſe ſaid def. for their parts do keep away any glebe lands from the ſaid compl. vnder colour of exchanges or holding of the ſame intermingled with the lands of the ſaid Manor or otherwiſe, as by the ſaid replication is pretended. And without that, that theſe ſaid def. for their parts, haue by many or any deuices indeuoured to impaire the profits of the ſaid Parſonage, and retaine the ſaid houſing and glebe lands from the plaintife, as by the ſaid replication is ſuggeſted. And without that, that any other matter, clauſe, or thing in the ſaid replication contained, materiall or effectuall in the law to bee rejoyned vnto, touching or concerning theſe ſaid def. or any of them, and herein before not rejoyned vnto, confeſſed and auoided, traberſed, or denied, is true, in ſuch manner as by the ſaid replication is declared. All which matters theſe def. are ready to auerre as this hon. Court ſhall award: and pray as in the ſaid anſwer they haue formerly prayed.

A Rejoynder to the Replication of the Kings Attorney Generall, wherein the defendant pleadeth to be discharged of a debt, alledging that he is executor to the husband of an executrix whose former husband was chargeable therewithall: and other reasons therein contained.

THe said W. C. for Rejoynder saith, that the plea and answer of him the said def. is certaine and sufficient in the Law, and such (as the def. hopeth) will give full satisfaction to the most hon. Court. And as unto the said bill concerning the summe of 122. li. 8. s. in the said Replication mentioned, he this def. conceiveth, that he being onely an executor unto W. C. deceased, his father, who married R. who was the wife and executrix unto Ed. P. his said father W. C. and R. his said wife, being also about 17. yeeres agoe discharged by the order and decree of this most hon. Court, he this def ought not now to bee called in question for the same. And he this Rejoynant further saith, that hee hath not (to his knowledge) the said bill signed under the hand of Sir W. P. in the said Replication mentioned, neither doth he this Rejoynant know what is become thereof, but thinketh verily that the said W. C. his said father deceased, did deliver the same (if it were in his hands) into this most hon. Court. And he this def. is the rather induced so to beleeve, for that he this def. cannot find the same among other his said deceased fathers writings and evidences. So as (under the favour of this most hon. Court) he this Rejoynant ought not to satisfie the said sum of 122. li. 8. s. or any part thereof, being executor unto the husband of an executrix, whose former husband was chargeable therewithall: and there having beene a discharge thereof by the orders or decrees of this most hon. Court as aforesaid. And this def. doth further submit it to the judgement of this most hon. Court, whether or no the said orders or decrees of this most hon. Court, which do mention and purport that there was such a bill signed under the hand of the said Sir W. P. as in the Replication aforesaid is mentioned, be not a sufficient ground for the making out of processe against the heires, executors, or assignes of the said Sir W. P. for the recovery of the 122. li. 8. s. if so be that the same be not already paid and discharged: Without that, that any other matter or thing in the said replication contained, materiall or effectuall in the law to bee rejoyned unto, and not herein before sufficiently rejoyned to, to the knowledge of this def. are true. All which matters the said def. is ready to averre and prove as this hon. Court shall award and therefore prayeth as he in his said answer hath prayed. Sect. 16.

A Bill or Information into the Exchequer, by the Qu. Majesties Patentee, for the viewing of unlawfull payments and allowances.

To the right hon. the Lord B. Lo. high Treasurer, &c.

Sect. 17. IN most humble wise sheweth and informeth your honors, Th. L. Esquire, That whereas our Soveraign Lady the Q. Majesty that now is by her highnesse Letters Patents, bearing date at G. the 17. day of December, in the 13. yeere of her most gractous and happie raigne, for the considerations therin mentioned, hath given and granted full power and lawfull authority unto the said T. L. and to his deputy and deputies by all manner of lawfull wayes and meanes whatsoever, that he or they or any of them can or may, for and during the space of eight yeers next ensuing the date of the said Letters Patents, to search forth, view, see, and examine all and singular unlawfull and deceitfull payments, allowances, controlments, deductions, or retainements, suffered, done, or committed at any time sithence the thirtieth yeere of the raign of her Majesties most dread father King Hen. 8. untill the date of the said Letters Patents or that after the date of the said Letters Patents, shall be suffered, done, or committed, during the space of eight yeeres next following the date of the said Letters Patents, in any of her Majesties Courts, or other places within her H. Realm of England or Wales, or elsewhere, by any person or persons, or by the payment or payments, allowance or allowances, detainment or detainements of any annuities, fees, pentions, corrodies or perpetuities, or any other yeerly payments by what name, title, or condition soever they or any of them shall be called or knowne. And all other wrongfull and unjust payments, detainments, allowances, concealements, and deceits, given, done, or committed, from the time aforesaid, or after the date of the said Letters Patents to be given, done, or committed by any person or persons during the space of the said eight yeeres, in any untrue account, or accounts, whereby any the treasures, money, or profits of her Majesty, her heires and successors, or of her said father, or of her brother. King Edward, or her late sister Queene Mary, or of the late King Philip, and Queene Mary, or that ought to have come to her Majesty, or any of her the aforesaid Predecessors, have beene or shall be unjustly, and without lawfull cause payed and allowed, diminished, wasted, spent, or detained during the space of the said eight yeeres. And whereas also

alſo for the better furtherance of the ſervice of the ſaid T. L. in, or about the foreſaid matters and cauſes our ſaid Soveraigne Lady hath by her ſaid Letters Patents given and granted unto the ſaid T. L. his Executors, Adminiſtrators, and Aſſignes, the one moity of all and every ſuch ſumme or ſummes of money, or other things before mentioned, the which by him or his Deputies, Factors, or Aſſignes, or through his or their labour, travell, and diligence, during the ſaid eight yeeres, ſhall bee deceitfully, fraudulently, without good cauſe, or unjuſtly payed, anſwered, allowed, received, concealed, or detained, as is aforeſaid, or the value of the ſame moity, which ſo ſhall bee opened, diſcovered, knowne, purſued, recovered, or had by the ſaid Thomas L. his Factors, Deputies, or Aſſignes, as by the ſaid Letters Patents more at large doth and may appeare. Sithence which Grant in forme aforeſaid made to the ſaid T. L. hee the ſaid T. L. hath through his painefull, chargeable, and diligent labour and ſearch, found out divers great deceits committed and done, and hath found out, and is able to prove to this honourable Court, That one Thomas C. Deputy Clerke of the Hannaper in the Court of Chancery, having ſerved in that office from the beginning of her highneſſe raigne untill now, and yet doth, during all which time the ſaid T. C. hath continually as well received the profits of the Queens Majeſties Seale in the ſaid Court, as all other commodities and advantages incident unto the ſaid office. But now ſo it is, if it may pleaſe your Honours, that the ſaid Thomas C. being accountable to the Queenes Majeſty in her highneſſe Court of Exchequer, for all manner of ſummes of money by him received to her Majeſties uſe, by vertue of the Clerkeſhip of the Hannaper, as is aforeſaid, hath not for the ſpace of ſixteene yeeres, viz. from the firſt yeere of her Highneſſe raigne, untill the ſixteenth of the ſame, neither juſtly charged himſelfe upon his account with all ſuch ſummes of money as he yeerely hath received by vertue of the ſaid office, by the ſumme of foure hundred pounds by the yeere, which in the whole ſixteene yeeres amounteth to the ſumme of ſixe thouſand and foure hundred pounds: Neither yet any other wayes payed the ſame to her Majeſties uſe, but unjuſtly hath defrauded and deceived her Majeſty by the ſpace of ſixteene yeeres, by the yeerely concealing and detaining from her Majeſty the ſaid ſumme of foure hundred pounds, out of the charge of his account, which in the ſaid ſpace and time of the ſaid ſixteene yeeres amounteth to the ſumme of ſixe thouſand foure hundred pounds, the which your ſaid Orator ſhall bee ready to prove to your Honours. In conſideration whereof

may it pleale your honours, the premiſſes conſidered, to grant unto the ſaid T. L. the Queenes moſt excellent Majeſties Writ of Subpœna to be directed unto the ſaid T. C. commanding him perſonally to appeare before your honours in this her Majeſties Court of Exchequer, at a certaine day, and under a certaine paine therein to be limitted, then and there to anſwer unto the premiſſes, upon his corporall Oath, and further to abide ſuch order and direction therein as unto your honours ſhall ſeeme to ſtand with right and equity, And that your ſaid Orator may have according to the Tenor of the ſaid Letters Patents, the moity of the concealements and deceits that ſhall be proved to be committed by the ſaid T. C. And your ſaid Orator ſhall pray to God for the preſervation of your honours in health and wealth long to continue.

A Patent granted to I. M. to be an Informer.

Sect. 16. REGINA, &c. To the Treaſurer, Chamberlaines, and Barons of our Exchequer for the time being, and to all and ſingular our Juſtices, Maiors, Sheriffes, Stewards of Liberties and Franchiſes, Conſtables, Bayliffes, Headboroughs, Maſters, Mariners of Ships. And alſo to all Collectours and Cuſtomers, Comptrollers, and Surveyours of our Cuſtomes or Subſidies, Searchers, as well within our Liberties as without. And to all other our Officers, Miniſters, and Subjects whatſoever, greeting. Whereas before this time, as well in the time of our noble progenitors, Kings of this Realm, as alſo during the time of our Raigne, divers good and wholeſome Lawes, Acts, and Statutes, have beene by divers and ſeverall Acts of Parliament eſtabliſhed, ordained, enacted, and made, and hereafter muſt be made by Gods ſufferance, as well to the honour and glory of God, as alſo for the commodity and preſervation of the Commonwealth of this Realme, divers of the which ſaid Lawes and Statutes ſo made, have beene from time to time, and yet be daily infringed and broken, and nothing eſteemed and regarded, by the meanes of ſundry evill diſpoſed, diſobedient, and wilfull perſons, not fearing or dreading Almighty God, nor having any regard or reſpect to their duties towards us or our progenitors, or Common-wealth of their countrey, nor fearing nor regarding the paines and penalties contained and mentioned in the ſaid Acts and Statutes, by reaſon that the ſame have not

not beene ſo earneſtly and ſo duly put in ure and due examination, as it was intended and hoped by the makers thereof. Not onely to the great diſpleaſure of Almighty God, but alſo to the great diſcommodity, hinderance, and loſſe of us and of the Common-wealth of our dominions. Know ye therefore, that we of our eſpeciall grace, certain knowledge, and meere motion, and to the intent that all ſuch Stat. and Acts as now at this preſent ſtand, remain, and be in force of ſtrength, or that hereafter ſhall be made, ordained, enacted, or eſtabliſhed within this our ſaid Realme, may from henceforth the better and ſooner bee put in due execution and ure, according to the tenures, purports, and effects of the ſame, have authoriſed, aſſigned, and appointed, and by theſe preſents do authoriſe, aſſigne, and appoint our well beloved ſubject I. M. of London Haberdaſher, to be an Informer, and a proſecutor for us, our heirs, and ſucceſſors, of all ſuch Stat. and Acts. And have given and granted, and by theſe preſents for us, our heires, and ſucceſſors do give and grant unto the ſaid I. M. his deputy or deputies, doing the will and pleaſure of us, our heires, and ſucceſſors, full power and authority to put in execution all the Acts and Stat. aforeſaid. And to enter into all faires and markets, warehouſes, dyehouſes, tanhouſes, workehouſes, and other houſe and houſes, barnes, ſellers, Sollers, ſhips, veſſels, and all and every other place and places whereſoever within our Realme of England, and other our dominions, aſwell by water as by land, And to ſearch, ſeiſe, arreſt, ſue, and implead in any of our Court or Courts, place, or places, according to the tenor, purport, and effect of the ſaid Acts and Statutes, or any or every of them, All ſuch goods and merchandiſes, of what nature or quality ſoever they or any of them be. And all and every ſuch perſon or perſons as heretofore have offended, or hereafter ſhall happen to offend in any of the ſaid Acts and Statutes. And of our further grace, we for us, our heires, and ſucceſſors have given and granted, and by theſe preſents do give and grant unto the ſaid I. M. and his aſſignes, the one halfe or moity of the value of all and every ſuch ſumme or ſummes of money as ſhall be hereafter adjudged forfeit in any of our ordinary Courts of Records, by force or occaſion of any Information, or other Action exhibited or commenced, or to be exhibited or commenced by the ſaid I. M. or any his Deputy or Deputies in the ſame Courts, or any of them touching the premiſſes. And to take, perceive, receive, and enjoy to his onely uſe, or the uſe of his executors, the ſaid one halfe and moity of all and ſingular ſuch forfeitures, or ſummes of money as ſhall be adjudged and deemed to be due or forfeited in any of our ordinary Courts of Records, or of our heires and ſucceſſors, of any Seiſure or Information, put and exhibited,

or to be put and exhibited into the said ordinary Courts of Records, or any of them, by the said I. M. or his sufficient or lawfull Deputy or Deputies. Willing and commanding therefore all and singular our Justices, Maiors, Sheriffs, Stewards of Liberties & Franchises, Bailifes, Constables, and Headboroughs, Masters, Mariners of ships. Also all our Collectors, Customers, Controllers, and Surveiors of Customes and Subsidies, and Searchers, as well within any of our liberties as without: and all and singular other our officers, ministers, and subjects within this our Realme or the dominions of the same, whatsoever they be, to the aiding, assisting, and helping the said I. M. his deputy or deputies, in the due execution of the premisses. And that the said Justices, Maiors, Sheriffs, Stewards of liberties and franchises, Constables, and Bailifes, from time to time do punish by their discretions all such as do resist, or any thing attempt, to the let, hindrance, or prejudice of the said I. M. or his Deputy or Deputies in the due execution of the said Acts or Statutes, or any of them, as they tender our will, favor and pleasure, and for the contrary, as they will thereunto answer, at their perils. And furthermore know ye, that we of our further especiall grace, certaine knowledge, and meere motion, and to the intent that the said I. M. shall be the more diligent and painefull in the due execution of the said Statutes and Acts, as is aforesaid, have given and granted, and by these presents for us, our heires, and successors do give and grant, that the said I. M. shall from time to time, have, perceive, receive, levie, and take of all and singular such moities, portions, parts of forfeitures, and summes of money, as shall be at any time or times hereafter deemed or judged to be due or belonging to us, our heires, or successors, before the Barons of the said Exchequer, by meanes of any seisin, or Information put or exhibited into the said Court of Exchequer, or any other our ordinary Courts of Records, by the said John M. or his sufficient or lawfull Deputy or Deputies, of and for every pound which so by his industry and meanes to our use or the use of our heires or successors, shall come to be brought and judged, the summe of twelve pence, over and above the summe or summes of money to the Informer for his part or portion, or travell by us in forme aforesaid limited and appointed, the same to bee paid to the said John M. or his Assignes, by the hands of the Treasurer and Chamberlaines of the said Court of Exchequer for the time being. And wee of our further grace especiall, do further grant for us, our Heires, and Successors, by these presents to the said John M. his Executors, and Assignes, that these our Letters Patents, or the Inrollement thereof, and one Certificate signified with the hand of the chiefe Baron of the

said

ſaid Court of Exchequer ſoꝛ the time being, teſtifying the certainty of ſuch ſum oꝛ ſummes of money, as ſhall be from time to time recovered by Judgement and Execution in any the oꝛdinary Courts of Recoꝛd, to the uſe of us, our heires, oꝛ ſucceſſoꝛs, by reaſon and occaſion of any Infoꝛmation oꝛ other Action heretofoꝛe exhibited oꝛ commenced in any of the ſaid Courts, by the ſaid Partine, oꝛ any his ſaid deputy oꝛ deputies, ſhall bee from time to time a ſufficient warrantie and diſcharge to the Treaſurer and Chamberlaines of the ſaid Court of Exchequer foꝛ the time being, to pay and deliver, oꝛ cauſe to bee paid and delivered unto the ſaid John Y. his Executoꝛs oꝛ Adminiſtratoꝛs of ſuch our Treaſurer, oꝛ the Treaſurer of our heires and ſucceſſoꝛs, being oꝛ that ſhall be in their cuſtody, ſo much money as ſhall amount unto twelve pence, of and foꝛ every pound contained in every ſuch Certificate, ſigned with the hand of the chiefe Baron of the ſaid Court as afoꝛeſaid, to bee taken unto the ſaid John Y. his Executoꝛs and Adminiſtratoꝛs, of the gift of us, our heires oꝛ ſucceſſoꝛs, without any pꝛeſt oꝛ any other charge to be ſet upon him the ſaid J. Y. oꝛ any other perſon oꝛ perſons foꝛ the ſame, without any further warrant to be ſued from us, our heirs oꝛ ſucceſſoꝛs, to the ſaid Treaſurer and Chamberlaines foꝛ the time being to be directed foꝛ the pꝛemiſſes. Foꝛ that expꝛeſſe mention of the true value of the certainty of the pꝛemiſſes, oꝛ of any other gifts oꝛ grants by us, oꝛ by any our Pꝛogenitoꝛs, oꝛ Pꝛedeceſſoꝛs befoꝛe this time made in theſe pꝛeſents, is not mentioned, oꝛ any other ſtatute, act, oꝛdinance, pꝛoviſion, pꝛoclamation, oꝛ reſtraint to the contꝛary made, done, oꝛdained, oꝛ pꝛovided, oꝛ any other thing, cauſe, oꝛ matter whatſoever in any wiſe notwithſtanding. In witneſſe whereof we have cauſed theſe our Letters to be made Patents. Witneſſe our ſelfe at Weſtminſter, the xxvi. day of Apꝛill, in the ſecond yeere of our raigne.

THus much concerning the Excheq. and now let us ſhew you ſome obſervances in the Pꝛerogatiue of the Court of Wards and Liveries, a Deꝛivatiue from the Antecedent, like an heire to the Anceſtoꝛ: Which honoꝛable Court was, (by an act of Parliament made Añ 32. Heñ 8. c. 46.) erected and called the Court of the Kings Wards, and eſtabliſhed to be a Court of Recoꝛd, and then the chiefe officer, above the reſt of the officers conſtituted foꝛ that Court, was oꝛdained to bee called, Maſter of the Wards: unto whoſe truſt the keeping of the B.

Seale

Seale for that Court was and is committed: In which Seale is engraven the armes of the King with this memorable Circumscription, *Curia Wardorum & Liberationum, Pupillis, Orphanis, & Viduis Adjutrix:* Implying, that it supporteth the rights, and comforteth the estates of Wards and Heires, Orphanes, Widowes, and Ideots, Lunatiks, and such as otherwise might much bee wronged: and shortly after, that is, by another act of Parliament made Anno 33. H. 8. cap. 22. for the greater honor and commodity of that K. and the more comfort and profit of the subject, the office of the Master of the Kings Liveries was enacted to be annexed unto the Jurisdiction of the same Court: by which addition the foresaid chiefe officer for the Court of the Kings Wards, was and is intituled Master of the Court of the Kings Wards and Liveries: and the said Master of the Liveries, was then and now is ordained to be called Surveyor of the Kings Liveries, and to be the second person in the same Court, as by the same two severall Acts of Parliament more fully appeareth: Before which times all causes that now are within the order or survey of this Court, were determinable in the K. Court of Exchequer; and that skilfull experiencer Gervice Tilbury, which after he had written a book called Tricolumnus, wrote a discourse unto King Hen. 2. *De necessariis Scaccarii observantiis*, treateth *De Relevio sponte non soluto*, and that, *Aliter de Firmis, atq; aliter de Custodiu respondendum:* Now although the Writs and Commissions of *Diem clausit extremum, Mandamus, Melius inquirendum, Devenerunt, Ætate probanda* and such of that nature are made in the Chancerie, by vertue of Warrants from the officers of this Court, and so the matters in this addition might have had place next to those Writs; yet because this Court is derived from and out of the Exchequer, therefore, by reason of their affinity, you may next discerne a little also of matters practised within the Jurisdiction of this Court by the consequences.

PLEA-

PLEADINGS IN THE Court of VVards and Liveries.

A Bill to be ſigned for the double value of a Wards marriage.

To our Soveraigne Lady the Queenes moſt excellent Majeſty: Pleaſeth it your Highneſſe of your moſt noble and aboundant grace to grant your moſt gratious Letters Patents, &c.

REgina omnibus ad quos &c. ſalutem. Cum nos per literas noſtras ſub magno ſigillo noſtro Angliæ patentes gereñ dat̃ apud Weſtmoñ primo die Martii, Anno regni noſtri 39. de gratia noſtra ſpeciali, ac ex certa ſcientia, & mero motu noſtris dederimus & conceſſerimus nuper prædilecto & perquã fideli conſiliario noſtro W. B. prænobilis Ordinis Garterii militi, Baroni de C. & domino Guardiano quinque portuum defunct', inter alia cuſtod' corporis & maritagium Franciſci C. filii & hæredis W. C. Armigeri defunct': qui quidem W. C. die obitus ſui tenuit de nobis in Capite, per ſervitium militare, habendum, gaudend', & poſſidend' cuſtod' & maritagium ejuſdem F. C. abſque diſpergatione præfat̃ W. nuper domino Cobh. executor̃ & aſſignat̃ ſuis. Quoſque idem W. nuper dominus Cobham executor ſive aſſignñ ſuis effectum maritagii prædict' Franc' C. acciperet vel haberet, accipient vel haberent. Et hoc abſque compoto ſeu aliquo alio nobis hæredibus vel ſucceſſoribus noſtris pro inde reddend', ſolvend' ſeu faciend', prout per eaſdem literas noſtras inter alia in ipſa contenſ plenius poterit apparere. Status & intereſſe cujus quidem W. nuper Domiñ Cobham de & in præmiſ. ad manus & poſſeſſionem dilecti & fidelis noſtri G. B. Armigeri legitimè ut dicitur deventus eſt. Cumque etiam modo ex infirmatione prædict' G. B. accepimus quod ante confectionem prædictarum literarum noſtrarum patent̃ prædict' W. nuper Domiñ C. ut præfertur fact' F. C. in cuſtodia nr̃a exiſtenñ, & poſtquam accrevit ætatem ſuam quatuordecim annorum ſine conſenſu noſtro vel præfat̃ nuper Domino Cobham ſeipſum maritaverit per quod nobis forisfecit duplicem valorem maritagii ſui. Sciatis igitur quod nos contemptum prædict', ægrè ferentes & prædict̃ Georgii B. quod equum eſt fidei volentes ad humilem petitionem ejuſdem G. ex uberiori gratia noſtra, at ex certa ſcientia & mero motu noſtri dedim⁹ & accepim⁹ ac p̃ p̃ſent̃ dam⁹ & concedimus eidem G. B. executor̃ & aſſignat̃ ſuis valorem duplicem valo- Sect. 1.

valorē & forisfacturam maritagii præd Fr. C. habend, gaudend, & ea percipiend pd G. B. executor & assign suis in tā amplis modo & formā, & adeo liberè ut nos ea quocunque jure, titulo vel ratione habeā, tenere vel concedere poterimus. Et hoc absque compot seu aliquo alio nobis hāt vel successor nris proinde reddend. In cujus rei testimoniū &c.

A Petition.

To the right Hon. R. Earle of S. Master of her Majesties Court of Wards and Liveries.

IT pleased the Qu. most excellent Majesty with the advice of your L. to grant unto my late good L. and deere father W. late Lord C. deceased, the wardship of F. brother and heire of C. likewise deceased, which Ward before the Letters Patents made from her Ma. unto my said Lord father, without the consent of his Guardian maried himself. The benefit and interest of which wardship is come unto me from the said late Lord by way of legacie. And for that I am informed by my Counsell that the words in the former Patent are not sufficient to give mee such value as by her said Majest. and your L. was meant upon the said grant to my said late L. father, I therefore humbly beseech your good L. for our better assurance to give warrant to the Clerke of the Wards to make up a bill to passe her Ma. signature in forme within written.

The Answer.

Mast. H. I. pray you make up and ingrosse such a Bill as is before desired.

R. S.

An Inquisition to finde a Lunatick.

Sect. 2. INquisic' indentat capt apud Guildhaldā Civit London &c. die A. ann reg. dne El. Dei gratia Angl', Franc', et Hyberñ reg. fidei defen &c. 43. coram W. R. milit majore et escaetore civit præd virtute brīs dict dne reg. eidē majori et escaetori direct' et huic inquisic' consui ad inquirend de Lunatia R. W. alias H. p sacrām &c. Qui dicunt sup sacrām suum pd q̄d pd R. W. alias H. in brevi præd nominatus lunat' est et non cōpos mentis et lucid' gaudet intervallis ita q̄ regimine sui ipsius ñ tenē bonorum aut catallorū suorū minime sufficit, et in eod' statu sic remansit 21. die M. ann reg. dict dñæ Reg. 22. et adhuc remanet. Et ulterius

ter' Jur' præd' sup' sacram' suū p̄d' dicūt, q̄ præd' R W. alias H. dict' 1. die M. ann' regni dict' dñæ Reg. 22. fuit seisit' in dominico suo ut de feodo, de & in uno mess. vocat' &c. cum p̄tin' in M. in com' S. præd'. Ac de & in uno alio mes. voc' &c. cum p̄tin' in M. præd' in com' S. præd'. Ac de & in uno mes. sive ten' voc' &c. et ceteris suis p̄tin' in M. præd' in dict' com' S. Necnon de et in una past' cū p̄tin' voc' &c. et de alia past. voc' &c. et 20. ac' ter' ibid' cū p̄tin'. Necnon etiā de et in mes. sive ten' cū eorum p̄tin' voc' &c. in E. in dict' com' S. et ulter' Jur' præd' sup' sacram' suū p̄d' dicunt q̄ p̄d' mes. ter' et cetera oīa p̄missa valent p̄ ann' in omnib' exit' ulter' reprisa. x. li. Et q̄ R. W. alias H. est frater et hæres ꝓpinquior p̄d' R. W. alias H. in br̄i præd' nomin' et ætatis xl. anor' et ampli' tempor' capt' hujus Inquisic'. Sed utr' præd' R. W. alias H. duran' tempor' lunaciæ et infirm' sue præd', præd' præmis. seu aliquā inde p̄cel' alienavit necne, aut de qua vel de quib' ead' mes. et cetera præmis. seu aliqua inde p̄cel' tenent' aut tenebant Jur' præd' penitus ignorāt. In cujus rei testim' uni parti hujus Inquisic' penes p̄f. major' et escaet' remān tam præd' major et escaet' quā Jur' p̄f. sigill' sua appos. alter' vero p̄te pene p̄f. Jur' remān p̄f. major et escaet' sigill' suū apposuit die, loco et anno suprad'.

The draught of Mast. W. C. his pardon for the mariage of the La. R before her Majesties pleasure and consent was declared under the great Seale.

REgina omnibus ad quos &c. salut'. cum nup̄ prædilect' et p̄q̄ fidelis Sect. 3.
consanguin' nr̄ E. nuper Comes R. defunct' in vita sua seisit' fuit de diversis honor', castris, dom', man', tr', ten'tis & hæredit' in diversis Com' hujus reg. nr̄i Angl' de nobis tenta in capite p̄ servic' militar' et de eisd' præmis. sic seisit' exist. obiit, sic inde seisitus 14. die A. ann' reg. nr̄i 29. habens exit de corpore suo legit' ꝓcreat' E. dom' R. vnicā filiam et solā hæred' suam tunc infra ætatem 14. annor' existen' ut per quandā Inquisic' inde capt' apud N. in Com' nr̄o N. 13. die A. an. reg. nr̄i 30. in Cur' nr̄a Canc' returnat' et ibid' de recordo remanen' plenius nobis constat et apparet. Cumq; etiam postea præchariss̄ima consanguin' nr̄a dn̄a I. C. s̄ur dotem gerens R. nup̄ uxor præd' nup̄ comit' E. ac mater dict' E. dūc' R. nobis sepi' humilit' applicaverit ut reg. favorem et licentiam nostr' concedere dignarem', ut quidam W. C. ar' filius et hæres apparens T. C. milit' dict' dom' R. possit in uxor' ducere juxta voluntat' et desiderium præd' nup̄ Com' E. vir' s̄ui in testamento suo manu sua ꝓpria inscript' manifeste express. Cumq; præter nos præmis. pluriū intendentes consensū et lic' nostr' regal' ex gratia nostr' liberè dederim' secund' petitionem dict' Comitis. cumq; etiam dict' W. C. &. dict' E. domin' R. existent' ætat' 12.

anno-

annorum & ampli', & tunc in cuſtodia noſtra exiſ. ſeipſos matrimoñ conjunxerunt priuſquam dict' conſenſ. & licent' noſt' ſub aliquo ſigillorum noſtrum expreſſ. & demulgat fuerunt, ut p quandam Billam informat inde ex parte nra per atturnat Cur nræ Wardor et Libar in eandem Cur noſtrã exhibit, ac per reſponſionem præd W. C. nuper inde fact' & per quend ordinẽ in ead Cur de et concernen præmiſſ. et ſtabilit et ibid remañ plenius poterit apparere, ratione cujus nobis contigit et accrevit duplex valor ſive foriſfactur maritagii dictæ E. dñæ R. in ea parte erga nos fact' et ppetrat. Sciatis tamen quod nos pmiſſ. plurimum conſiderantes ac nolentes q pd W.C. et Eliz, dña R, uxor ejus juxta rigorem legũ noſtrarum Angl' p pmiſſis puniat, ſed regalis conſenſus et licent' nre præd beneficio adeo libere plene et integre gauderent et fruentur, ſi dicti conſenſus et licentia noſtri promulgat fuiſſent indebita Juris forma ſub magn ſigillo nro Anglię ante maritagiũ præd ut prædicitur hit, p adviſamentum noſtri et Concilii curiæ noſtr Wardorũ et Libar præd, pro et in conſideratione ſumm ſex centũ librarũ legalis monetæ noſtræ ad receptũ dict' Cur noſtr præd W.C. ſolvend', necnon ex ſpeciali gratia, certa ſcientia, et mero motu nris pro nobis hered et ſucceſſorib' noſtris pardonam remittim et relaxam' pfat W.C. et E. dñæ R. valorem maritagii duplicem valorem maritagii et foriſfacturam maritagii dict' dñæ R. ac eoſd W. et dñam R. hæred' executores et eorum adminiſtratores et alterius eorum de eiſd valore maritagii præd duplici valore maritagii, et foriſfacturæ ejuſdẽ exoneram', et acquietamus, necnon etiam de ampliori grat' nra, certa ſcientia, & mero motu noſtris iiſdem W.C. et E. domiñ R. omnes et omnimodas contemptus, delicta et tranſgreſſiones contra nos p dict' maritagiũ vel raoñe ejuſdem maritagii quoviſmodo fact' vel perpetrat ac omnia et omnimodas fines, amerciamenta, foriſfactur, penalitates, actiones, querelas, et demand nobis per maritagiũ dict' dominę Eliz. R. vel rationẽ ejuſdem maritagii ſine licentia noſtra debit plenè et liberè pro nobis hęredibus et ſucceſſoribus noſtris pardonamus et remittimus per præſentes. Et hoc abſque compoto ſive aliquo alio nobis hæredibus vel ſucceſſoribus noſtris pro inde reddend ſolvend ſeu faciend'. Eo quod expreſſa mentio &c. In cujus rei teſtimonium &c.

A Plea

A Plea of Traverſe under the great Seale of England.

Sect. 4. the inquiſition recyted.

REgina &c. Eſcaetori ſuo in com̃ Salop̃ Saluť. Cum per quandam Inquiſitionem indentat̃ captam apud Salop̃ in com̃ pred' ſexto die Septem. Anno regni noſtri viceſimo nono coram Franciſ. Bromley, armig' &c. Thoma Staunton Generoſo Feodar̃ noſtro predict'. Virtute Commiſſionis noſtræ in natura brevis de mandamus quibuſdam Andreę Charleton' armigero, Adamo Mytton Generoſo &c. predictis Franciſco Bromley, & Thomæ Staunton, eis quatuor, tribus, vel duobus eorũ quorũ pref. Feodar̃ unus eſſet direct', et inquiſitio' pred annex' ad inquirend̃ poſt mortem Humfridi Hill, Geñ defunct. per ſacram̃ Johannis Baldwyn de Monſlowe Generoſi &c. Quod predictus Humfridus Hill. fuit ſeiſitus in domiñ ſuo, ut de feodo die quo obiit de &c. in maner̃ ſive capitali meſuagio de Hull, alias Court Hill, cum omnibus & ſingulis juribus membris et pertineñ. Necnon de & in uno Columbar̃, uno Molendino aquatico centum acr̃ terr̃, ſexdecim acr̃ prati, centum acr̃ paſtur̃, centum acris boſci, et comunia cum pertineñ in Hul, alias Hill, in com̃ noſtro predict̃: Necnon de et in quatuor meſuagiis et uno cottagio cum pertineñ centum acr̃ terr̃, viginti acr̃ prati, et triginti acr̃ paſtur̃, cum pertineñ in Aſhe Hartall, et Nurton, alias Overton, in com̃ noſtro predict̃: in ſeparalibus tenur̃, ſive occupationibus Franciſci Condeley, Roberti Iukes, Ric. Cooke, & Wil. Rowley. Ac de et in decem acr̃ terr̃ ſive paſturæ jacen. in Hartall predict̃ & Greet̃, in comitatu noſtro predict̃: et tempore captionis, Inquiſitionis predict̃ in tenura, ſive occupac' Will̃ Hopton armigeri. Et ulterius compertum fuit per inquiſitionem predictam quod prędictus Humfr. Hil, die quo obiit fuit ſeiſitus in dominico ſuo, ut de feod' de et in manerio de Hoope Baggard in com̃ nr̃o predict̃, cum omnibus et ſingulis juribus membris, et pertineñ ad de et in donac' ſive patronat̃ Eccleſ. parochialis de Hoope Baggard predict̃. Ac de et in tribus meſuagiis octaginti acris terr̃ duodecim acris prati, ſexaginta acris paſturæ, Ac de et in triginta ſolidat̃ reddit̃, cum pertineñ in Hoope Baggard, pred' ac etiam de et in una paſtur̃, vocat̃ Weſtwood, contineñ per eſtimationem triginta acras terr̃ in Hounds Neene, alias Neene Savag', in com̃ noſtro predic'. Ac de & in una acr̃ terr̃, in uno Campo de Burford, vocat̃ Weſtfielde, et tempore captionis Inquiſitionis predict̃ in tenu Rich. Cooke. Ac de et in quatuor Burgagijs in Cleoburie Mortimer in com̃ noſtro predicto Et quod predictus, Humfr. Hill. ſic de pred' maner̃, meſuagijs terr̃ et teñ cum pertineñ ſeiſit' exiſtens de tali ſtatu ſuo obiit inde ſeiſitus. Et quod predict': maner̃ & omnia & ſingula premiſſa in

Hull, alias Court Hill Aſhe Hartall Nurton, alias Overton, & Greete prædict' : & prædict' acræ in Burforde predict' : tempore mortis dict', Humfridi tenebant de quondam Edmund Cornewal Armigero defunct & tempore captionis inquiſitionis predict' tenebãtur de Thoma Cornewall Armigero, ut de Baronia ſua de Burford in com prædict' per ſervitium Militare videlicet per undecimam partem unius feod milit. Et valent per Annum in omnibus exitibus ultra repriſ. treſdecim libris ſex ſolid & octo denariis. Et quod prædict'. Manerium de Hoope Baggarde tempore mortis dict' Humfri. tenebatur, de Edm. Cornewall Armigero, ut de manerio ſuo de Cleybury in Com noſtro Wigorn per fidelitatem & red unius denarii per annum. Et valet per annum in omnibus exitibus ultra repriſ octo libris. Et quod predict' paſtura, vocat Weſtwood, tempore mortis dicti Humfridi tenebat de Georgio Detton generoſo per fidelitatem tantum: Et valet per annum in omnibus exitibus ultra repriſ. quadraginta ſolid: Et quod predict' Burgag' in Cleybury pred' tempore mortis dict' Humfridi tenebat: ut de manerio de Cleybury Mortimer pred' in libero Burgagio: Et valet per annum in omnibus exitibus ultra repriſ. ſex libr & duos ſolid. Et ulterius quod prædictus Humfridus Hill obiit viceſimoquarto die Martii, Anno regni noſtri viceſimo, Et quod Georgius Hill generoſus ejus filius & hæres propinquior & ætatis tempore mortis patris ſui quatuordecim annorum fuit. Et quod idem Georgius Hill recipit & habuit redditus & profic ua omnium & ſingulorum maner, meſuagiorum, terrarum, & cæterorum præmiſſorum cum pertinentiis, a die mortis dict' Humfridi uſque prædictum diem captionis Inquiſitionis prædict' prout Juratoribus prædict', conſtare poterit. Et quod prædictus Humfridus Hill in dicta Inquiſitione nominatus die quo obiit non fuit ſeiſitus in dominico ſuo ut de feodo nec feodo talliat, de aliquibus aliis ſive pluribus maner, meſuagiis, ter, tenementis, ſive hereditamentis in Comitat Salop prædict', compertum fuit etiam per quandam aliam Inquiſitionem indentatam captam apud Villam noſtram Salop in Comitatu Salop predict', duodecimo die Januarii, Anno regni noſtri triceſimo quarto, coram Thoma Lawley Armigero & præfat Thoma Staunton Feodar noſtro Comitat noſtri prædict': Virtute commiſſionis noſtr in natura brevis de melius inquirend quibuſdam Thomæ Onſlowe & Richardo Prince Armigeris, & prædict' Thomæ Lawley, & Thomæ Staunton eis quatuor tribus vel duobus eorum quorum præf. Feodar unus eſſet, direct' ad inquirend poſt mortem Humfrid' Hill generoſi defunct' per ſacramentum Griffin More generoſi, Thomæ Cardyſle generoſi, Richard Reynolds generoſi, Johannis Crumpe generoſi, Johannis Bright generoſi &c. Quod cum per predictam priorem Inquiſitionem compertum fuit, quod predict' Hum-

No tenure for the Q.

A recitall of a Inquiſic' upon a *mel. inquirend'*.

Humfridus Hill fuit ſeiſitus in dominico ſuo ut de feodo die quo obiit (inter alia) de & in manerio ſive capitali meſſuagio de Hul, alias Court Hill, cum omnibus et ſingulis ſuis juribus, membris, & pertinentiis, Ac de et in manēr de Hoope Baggard in Comitatu predict', cum omnibus & ſingulis ſuis juribus, membris, & pertinen & quod ſic ſeiſitus exiſtens de tali ſtatu obiit inde ſeiſitus. Et quod prædict' manēr ſive capital' meſuag' de Hull, alias Court Hill, cum pertinentiis, tempore mortis prædict' Humfridi Hill tenebatur de quodam Edmundo Cornewall Armigero defunct', & tempore captionis dictæ prioris Inquiſitionis de Thoma Cornewall Armigero, ut de Baronia ſua de Burforde, in Comitatu noſtro prædicto, per ſervitium militare. Et quod prædictum manēr de Hoope Baggarde tempore mortis prædict' Humfridi tenebatur de Edmundo Cornewall Armigero, ut de manerio ſuo de Cleybury in Comitatu noſtro Wigorñ, per fidelitatem & reddit unius denarii per annum, prout per dictam priorem Inquiſitionem inter alia plenius liquet. Per dictam poſteriorem Inquiſitionem compertum fuit, quod prædict' manēr de Hoope Baggarde, cum pertinentiis, tempore captionis dictæ poſterioris Inquiſitionis, & tempore mortis dicti Humfridus Hill tenebatur de nobis, ut de Comite Marchæ, per ſervitium militare, videlicet, per dimid unius feodi militis, prout per prædictas ſeparales Inquiſitionis in Fylaciis Cancellariæ noſtræ de Recordo reſideñ plenius liquet. Cumque etiam Termino Sancti Michaelis, ſcilicet, decimo quarto die Octobris, Anno regni noſtri tricesimo nono, coram nobis in Cancellaria noſtra prædicta, ſcilicet, apud Weſtmonaſterium, venit Radulphus Rogers generoſus, per Thomam Powell Attornatum ſuum &c. petiit auditum Inquiſitionum prædictarum, & ei legebantur, &c. Quibus lectis & auditis & per ipſum plenius intellectis, idem Radulphus Rogers querebatur prædict' manēr de Hoop Baggard, cum pertinentiis in manus noſtras colore poſterioris Inquiſitionis præd' capi & ſeiſiri, & in manibus noſtris remanere ipſumque à poſſeſſione ſua inde extrateneri, & hoc minus juſte. Quia proteſtando quod poſterior Inquiſitio prædicta ac materia in eadem contenē minus ſufficiens in lege exiſtebat, Ac ad quæ ipſe neceſſe non fuit nec per Legem terr noſtræ tenebatur aliqualiter reſpondere. Pro placito idem Radulphus Rogers dixit, Quod bene & verum eſt prædictus Humfridus Hill in prædictis ſeparalibus Inquiſitionibus nominatus die quo obiit fuit ſeiſitus in dominico ſuo ut de feodo, de & in prædicto manerio de Hoope Baggard, cum pertinentiis in Comitat noſtro prædicto. Et quod ſic inde ſeiſitus exiſtēs de tali ſtatu obiit inde ſeiſitus, ꝓut per prædictam priorem Inquiſitionem compertum exiſtet: ſed idem Rad. Rogers ulterius dixit, quod prædict' manēr de Hoop Baggard, cum pertiñ, ꝑ & poſt mortem præd Hūfrid diſ-

The tenure for the Q.

A Plea.

discendebat prefato. G. Hill' in predicta priore Inquisitione nominate ut fil' et heredi predicti Humfrid Hill, virtute cujus idem Georgius in manerī illud cū pertin' intravit & fuit inde seisitus in dominico suo ut de feodo. Et predictus Georgius Hill sic inde seisitus existens ante captionem posterioris Inquisitionis predict. scz. vicesimo die Septembris, annō regni nri tricesimo primo per Indentur sigillo ipsius Georgii sigillat gerēn dat eisdem die et anno fact: Inter prefat Georgium Hill' ex una parte, et predictum Radum Rogers, ex altera parte, et in Cur Cancellariæ nræ infra sex menses proxim post dat ejusdem Indentur scdm formā Statuti in ea parte editi debito modo de record' in rotulat pro et in cōsideratione cujusdam competentis summæ bonæ & legalis monetæ Angl', eidem Georgio per dom Ric. Rogers ante sigillat' Indentur prædic': præ manibus solut, barganizavit & vendidit præfato Rado Rogers, hæredibus et assignatis suis, predictum manerium de Hoope Baggard cum pertineñ p nomen totius illius manerii, Dominii de Hoope alias dict' Hoope Baggard, alias vocat Hoop Baggard cum omnibus et singulis suis juribus membris & pertin' in dicto Com nro Salop, habendum & tenendum eidem Ric. Rogers heredibus & assignatis suis, ad solum et proprium opus, & usum ipsius Rich. Rogers, hæred' et assignator suor imperpetū virtut cujus quidē bargain & venditionis. Ac vigor Statuti de usibus in possessionem transferēd in Parlimento Domini Henrici nuper Regis Anglię octavi patris nostri præcharissimi, anno regni sui vicesimo septimo apud West. tent, edit: Idem Rad. Rogers, tempore captionis posterioris Inquisitionis prædict' fuit et adhuc existit seisitus de & in prædicto manet de Hoop Baggard cum &c. in domin suo ut de feodo. Et ulterius idem Ra. Rogers dixit quod predict' manerium de Hoope Baggard, cum pertinen, tempore mortis prędicti Humf. Hill, tenebatur de Roberto nuper Comite Leic' ut de manerio suo de Cleobury in comitatu nostro Salop' predict', per medietatem unius feodi militis ac tempor captionis posterioris Inquisitionis predict' tenebatur de eodem manet de Cleobury p medietatem unius feodi militis, absque hoc quod dict' manet de Hoop Baggard cum pertin tempore mortis predicti Humfri. Hill, aut tempore captionis posterioris Inquisitionis prædict' tenebat de nob. ut de comitatu Marchiæ per servitium militare modo et forma put p posteriorem Inquisitionem prædictam compertum existit, et absque hoc quod het seu unquam habet aliquod aliud Record præter Record posterioris Inquisitionis prædictæ per quod liquere potest quod prædict' manet de Hoope Baggard cum pertin tenet aut tempore mortis prædicti Humfri. Hill, aut tempore captionis posterioris Inquisitionis predic' tenebat de nobis ut de comitatu Marchiæ p servic' militar modo et forma prout per posteriorem Inquisitionem prædictam compertum

No dying seased.

Traverse the tenure.

pertum eſt exiſt. Quæ omnia & ſingula idem Radulphus Rogers paratus fuit verificare prout cur̃ noſtra prædicta conſideraverit, Et petiit judicium quod manus noſtr̃ à poſſeſſione pred' manerii de Hoope Baggard cum pertinentiis amoverentur. Et quod ipſe ad poſſeſſionem ſuam inde una cum exitibus et proficuis inde à tempore perquiſitionis ejuſd̃ manerii per ipſum Radulphum ut præmittitur fact' hucuſque proven̄ ſive accidēn reſtitueretur. Et ſuper hoc queſitum ab Edwardo Coke Armig. Attornat̃ noſtro Generali qui pro nobis in hac parte ſequebatur, ſi quod ipſe pro nob. haberet vel dicere ſciret quāre manus noſtr̃ à dicta poſſeſſione noſtr̃ predicti manerii de Hoope Baggard cum pertinentiis non amoverentur, ut ipſe idem Radulphus Rogers ad plenam integram & pacificam poſſeſſionem ſuam inde et cujuſlibet inde parcell', una cum exitibus et proficuis inde à tempore perquiſitionis ejuſdem manerii per ipſum Radulphum ut premittitur fact' hucuſq; provenien̄ ſive accidēn reſtitueretur. Qui quidem Attorn̄ noſtr̃ Generalis qui pro nobis in hac parte ut prefertur ſequebatur in predict' cur̃ noſtr̃, ſcilicet apud Weſtmonaſterium pred̃ pro nob. petiit diem cum ceteris de conſilio noſtr̃ in legibus erudit̃ inde interloquend̃ uſque ad Octavas Sancti Hillarii tunc proxim̃ ubicunque &c. Et habuit &c. Idemque dies dat̃ fuit prefato Radulpho Rogers tunc &c. ad audiend̃ ſi quid idem Attornat̃ nr̄o Generalis pro nob. verſus eum tunc & ibidem in hac parte allegare vel dicere potuit, Ad quas quidem Octavas coram nobis in Cur̃ noſtra prædicta, ſcilicet, apud Weſtmonaſterium predictam, ven̄ tam præf. Radulphus Rogers per Attornatum ſuum prædictum, quam dictus Attorn̄ Generalis qui pro nob. in hac parte ut dictum eſt ſequebatur. Super quo idem Radulphus Rogers per dictum ejus Attornat̃ petiit ſicut prius juditium in hac parte ſibi per eandem Cur̃ noſtram reddi: Ac qd manus noſtræ à poſſeſſione noſtra prædicta manerii de Hoope Baggard cum p̄tinentiis amoverentur. Et qd ipſe idem Radulphus Rogers ad plenam integram & pacificam poſſeſſionem ſuam inde una cum exitibus & proficuis inde à tempore perquiſitionis ejuſdem manerii per ipſum Radulphum ut premittitur fact' hucuſque proven̄ ſive accidēn reſtitueretur. Et prædictus Attornat̃ noſtr̃ Generalis qui pro nob. in hac parte ut pred' eſt ſequebatur in predict' cur̃ noſtra, ſcilicet apud Weſtmonaſterium antedict' pro nob. petiit ulterius diem cum ceteris de conſilio noſtro de legibus erudit̃ inde interloquend̃ uſque ad quindenam Paſchæ tunc prox' ubicunque &c. Et habuit &c. Idemq; dies dat̃ fuit præfato Radulpho Rogers tunc &c. ad audiend̃ ſi quid idem Attornat̃ noſtr̃ Generalis pro nob. verſus eum tunc & ibidem in hac parte allegare vel dicere poterit. Ad quam quidem Quindenam coram nob. in Curia noſtra prædicta, ſcilicet apud Weſtmonaſterium ante dict', ven̄ tam præfat̃ Radulphus Rogers per Attornatum ſuum predictum, quam

dictus Attornat̃ nostr̃ Generalis qui pro nobis in hac parte ut predict̃ est sequebatur. Super quo idem Radulph' Rogers per dict' ejus Attornat̃ petiit sicut prius judiciũ in hac parte sibi per eandem Cur̃ nostr̃ reddi, Ac quod manus nostr̃ ac dicta possessione nostr̃ pred' manerii de Hoope Baggard cum pertinentiis amoverentur, Ac qd ipse idem Radulphus Rogers ad plenam integram & pacificam possessionem suam inde, una cum exitibus & proficuis inde à tempore ꝓquisitionis ejusdem maner̃ per ipsum Radulph' ut premittitur fact' hucusque ꝓvenien̄ sive accidẽ restituerer̃. Et pred' Attorn̄ nostr̃ General̃ qui pro nobis in hac parte ut predict' est sequebatur in predicta Cur̃ nostra, scilicet apud Westmonasterium antedictam pro nobis petiit diem ulterius cum ceteris de consilio nostro in legibus erudit̃ inde interloquend̃ usque ad Craſtinum Sanctæ Trinitat̃ tunc ꝓxim̃ ubicunque &c. Et habuit &c. Idemq; dies dat̃ fuit pref. Radulpho Rogers tunc &c. ad audiend̃ si quid idem Attornat̃ nostr̃ Generalis pro nobis versus eum tunc & ibidem in parte allegare vel dicere poterit. Ad quod quidem Craſtinam coram nobis in Cur̃ nostra prædicta, scilicet apud Westmonasterium prædictam, veñ tam præfat̃ Radulphus Rogers per Attornatum suum predictum, quam dictus Attornat̃ nostr̃ Generalis qui pro nobis in hac pte ut preferr̃ sequebatur. Super quo idem Radulphus Rogers ꝑ dict̃ ejus Attornat̃ petiit sicut prius judicium in hac parte sibi ꝑ eandem cur̃ nostr̃ reddi, Et quod manus nostra dicta possessione nostr̃ pred̃ manerii de Hoope Baggard cum pertinentiis amoverentur. Ac quod ipse idem Radulph' Rogers ad plenam integram & pacificam possessionem suam inde, una cum exitibus & ꝓficuis inde à tempore perquisitionis ejusdem manerii per ipsum Radulphum ut præferr̃ fact' hucusque ꝓvenie sive accidẽ restituerer̃. Et pred' Attorn̄ nostr̃ Generalis qui pro nobis in hac parte ut ꝑdict̃ est sequebatur in ꝑdict' cur̃ nostr̃, scilicet apud Westmonaster̃ antedict' pro nobis pet̃ diem ulterius cum ceteris de consilio ꝓ in legibus erudit̃ inde interloquendi usque ad Octavas S. Michael̃ tunc ꝓx' ubicunque &c. Et habuit &c. Idemq; dies dat̃ fuit præfat̃ Radulpho Rogers tunc &c. ad audiend' si quid idem Attornat̃ nostr̃ Generał pro nobis versus eum tunc & ibidem in hac parte allegar̃ vel dicere poterit. Ad quas quidem Octavas Sancti Michaelis coram nobis in cur̃ nostra predicta, scilicet apud Westmonasterium antedictam, veñ tam prefat̃ Radulphus Rogers per Attornatum suum predictum, quam dictus Attornat̃ nostr̃ Generalis qui pro nobis in hac parte ut prædictum est sequebatur. Super quo idem Radulphus Rogers per dictum ejus Attornat̃ petiit sicut prius judicium in hac parte sibi per eandem curiam nostram reddi, Et quod manus nostræ à dicta possessione nostra prædicti manerii de Hoope Baggard cum pertinentiis amoverentur, Ac quod ipse Radulphus Rogers ad plenam integram & pacificam possessionem

ſionem ſuam inde, una cum exitibus & proficuis inde à tempore perquiſitionis ejuſdem manerii per ipſum Radulphum ut prædict eſt fact' hucuſque provenien' ſive acciden' reſtitueret. Et prædictus Attorn' noſter Generalis qui pro nobis in hac parte ut præfertur ſequebat in prædict Cur noſtra, ſcilicet apud Weſtmon antedict pro nobis petiit diem ulterius cum ceteris de conſilio nro in legibus erudit inde interloquend uſque ad octavas Sancti Hillarii tunc proxim ubicunque &c. Et habuit &c. Idemque dies dat fuit prefato Radulpho Rogers tunc, &c. ad audiend' ſi quid idem Attornat noſtr Generalis pro nobis verſus eum tunc & ibidem in hac parte allegare vel dicere poterit, Ad quas quidem Octavas Sancti Hillarii coram nobis in Cur noſtra prædicta, ſcilicet apud Weſtmonaſterium antedictam, ven tam præfatus Radulphus Rogers p Attornatum ſuum prædictum, quam dictus Attornat noſtr Generalis qui p nobis in hac parte ut prædictum eſt ſequebatur. Super quo idem Radulphus Rogers per dictum ejus Attornat petiit ſicut prius judicium in hac parte ſibi per eand' Cur noſtram reddi: Et quod manus nr à dict' poſſeſſione nra prædicti manerii de Hoope Baggard cum ptinentiis amover. Ac quod ipſe idem Radulphus Rogers ad plenam integram & pacificam poſſeſſionem ſuam inde, una cum exitibus & proficuis inde à tempore pquiſitionis ejuſdem manerii per ipſum Radulphum ut præfertur fact hucuſque proven ſive acciden' reſtitueretur. Et prædictus Attornat nr Generalis qui p nobis in hac parte ut prædictum eſt ſequebatur in prædicta Cur noſtra, ſcilicet apud Weſtmonaſterium antedict' p nobis petiit diem ulterius cum cæteris de conſilio noſtro de Legibus erudit inde interloquend uſque ad Quindenam Paſchæ tunc prox' ubicunque &c. Et habuit &c. Idemque dies dat fuit præfato Radulpho Rogers tunc &c. & audiend' ſi quid idem Attornat' noſtr generalis pro nobis verſus eum tunc & ibidem in hac parte allegare vel dicer poterit. Ad quam quidem Quindenam Paſchæ coram nobis in Curia nra pdicta, ſcilicet apud Weſtmonaſt' antedict', ven tam pfat Radulphus Rogers p Attornatum ſuum prædict', quam dictus Attornat noſtr Generalis qui p nobis in hac pte ut præfertur ſequebatur. Super quo idem Radulph' Rogers per dict ejus Attorn' petiit ſicut prius judicium in hac pte ſibi p eand' cur' nram reddi. Et q manus nræ à dicta poſſeſsion' nra pd manii de Hoop Baggard cum pertin amoveren, Ac quod ipſe idem Radulph' Rogers ad plen' integr & pacific' poſſeſsionem ſuã inde, una cum exitibus & pfic' inde à tempore pquific' ejuſdem maner per ipſum Radulphũ ut pdict' eſt fact' hucuſque pvenien ſive acciden' reſtitueret. Et præfat Attorn noſtr generalis qui pro nobis in hac pte ut præfert ſequebat in pred' Cur noſtr, ſcilicet apud Weſtm antedict pro nobis petiit diem ulterius cum ceteris de conſilio noſtro in legib' erud inde interloquend uſq; ad Craſt. Sanct' Trin tunc px' ubicunque &c.

Et habuit, &c. Idemq; dies dat̃ fuit præfat̃ Radulpho Rogers tunc &c. ad audiend̃ ſi quid idem Attornat̃ nr̃ generalis pro nob. verſus eum tunc & ibidem in hac parte allegare vel dicere poterit. Ad quod quidem Craſtinum Sanct' Trinitatis coram nob. in Cur̃ noſtra prædicta, ſcilic. apud Weſtmonaſterium antedictam, veñ tam præfat̃ Radulph. Rogers per Attornatum ſuum prædictum, q̃m dictus Attorñ noſtr̃ generalis qui pro nob. in hac parte ut prædictum eſt ſequebatur. Super quo idem Radulphus Rogers per dictum ejus Attornat̃ petiit ſicut prius judicium in hac parte ſibi per eandem Cur̃ noſtram reddi, Ac quod manus nr̃ à dicta poſſeſſione noſtra prædicti manerii de Hoope Baggard cum pertiñ amoverentur, Ac quod ipſe idem Radulphus Rogers ad plenam integram & pacificam poſſeſſionem ſuam inde, una cum exitibus & proficuis inde à tempore p̃quiſitionis ejuſdem manerii per ipſum Radulphum ut prefertur fact' hucuſque proveniẽ ſive accideñ reſtitueret: Et predictus Attornat̃ nr̃ generalis qui pro nob. in hac parte ut prædictum eſt ſequebatur in prædicta cur̃ nr̃a, ſcil. apud Weſtmonaſterium ante dictam pro nob. petiit diem ulterius cum ceteris de conſilio noſtr̃ de legibus erudit̃ inde interloquend̃ uſque ad Octavas Sancti Michaelis tunc proxim̃ ubicunque &c. Et habuit &c. Idemque dies dat̃ fuit prefato Radulpho Rogers tunc &c. ad audiend' ſi quid idem Attorñ noſtr̃ generalis pro nob. verſus eum tunc & ibidem in hac parte allegare vel dicere poterit. Ad quas quidem Octavas Sancti Michaelis coram nobis in Cur̃ nr̃a prædict̃, ſcilicet apud Weſtmonaſterium antedict' tunc veñ in Cur̃ tam præfat̃ Radulphus Rogers per Attornat̃ ſuum prædict̃ quam dictus Attornat̃ noſtr̃ generalis qui pro nob. in hac parte ut præfert̃ ſequebatur. Super quo idem Radulphus Rogers p̃ dictum ejus Attorñ petiit ſicut prius judicium in hac parte ſibi per eandem Cur̃ noſtr̃ reddi, Et q̃ manus nr̃ à dicta poſſeſsione nr̃ prædicti manerii de Hoope Baggard cum pertinentiis amoverentur. Ac quod ipſe idem Radulphus Rogers ad plenam integram & pacificam poſſeſsionem ſuam inde, una cum exitibus & proficuis inde à tempore perquiſitionis ejuſdem manii per ipſum Radulphum ut præd' eſt fact̃ hucuſq; proveniẽ ſive accideñ reſtitueret. Et prædict̃ Attorñ nr̃ generalis qui pro nob. in hac parte ut prefertur ſequebatur in predicta Cur̃ nr̃a, ſcilicet apud Weſtmonaſteriũ antedict̃ pro nob. pet̃ diem ulterius cũ ceteris de conſilio nr̃o in legibus erudit̃ inde interloquendi uſque ad Octavas Sancti Hillarii tunc p̃xim̃ ubicunq; &c. Idemq; dies dat̃ præd̃ Radulpho Rogers tunc &c. ad audiend̃ ſi quid idem Attorñ nr' generalis pro nob. verſus eum tunc & ibidem in hac parte allegare vel dicere poterit. Ad quas quidem Octavas Sancti Hillarii coram nob. in cur̃ nr̃a prædicta, ſcilicet apud Weſtmonaſter̃ antedict̃, veñ tam p̃fat̃ Radulphus Rogers per Attorñ ſuum pred̃, quam dictus Attorñ nr̃ geñal' qui p̃ nob. in hac p̃te ut præfert̃ ſequebat̃,

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Super quo idem Radulph' Rogers per dict' ejus Attorñ petiit ſicut prius judiciũ in hac parte ſibi ꝑ eandem Cur̃ noſtr̃ reddi, Ac qd manus nr̃æ à dicta poſſeſsione noſtra ꝑdicti manerii de Hoope Baggard eum pertineñ amoverentur, Ac qd ipſe idem Radulphus Rogers ad plenam integram & pacific' poſſeſsion' ſuam inde, una cum exitibus & ꝑficuis inde à tempor̃ pquiſitionis ejuſdẽ mañii ꝑ ipſum Radulph. ut ꝑfertur fact̃ hucuſque ꝓvenieñ ſive accideñ reſtitueret̃. Et ꝑdict' Attorñ nr̃ general' qui ꝓ nob. in hac parte ut præd' eſt ſequebatur in præd' Cur̃ noſtra, ſcz. apud Weſt. antedict̃ ꝓ nobis petiit diem ulterius cum ceteris de conſilio noſtro in legibus erudit̃ inde interloquend̃ uſq; ad Quindenam Paſch' tunc prox' ubicunq; &c. Et habuit &c. Idemq; dies dat̃ fuit præfat̃ Radulpho Rogers tunc &c. ad audiend̃ ſi quid idẽ Attorñ nr̃ general' pro nob. verſus eum tunc & ibm̃ in hac parte allegare vel dicer̃ poterit. Ad qm quidẽ Quindeñ Paſch' coram nob. in Cur̃ nr̃a præd', ſcz. apud Weſt. antedict̃ veñ tam præf. Radulph. Rogers per Attorñ ſuum pred', quam dictus attorñ nr̃ generalis qui pro nob. in hac parte ut præd' ſequebat'. Sup quo idem Radulphus Rogers ꝑ dict' ejus Attorñ petiit ſicut prius judicium in hac parte ſibi per eand' cur̃ noſtram reddi, Et qd manus nr̃æ à dicta poſſeſsion' nr̃a præd' manerii de Hoope Baggard cum pertineñ amoverentur. Ac quod ipſe idem Radulphus Rogers ad plenam integr̃ & pacific' poſſeſsioñ ſuam inde, una cum exitibus & ꝓfic' inde à tempore inquiſic' ejuſdem manerii ꝑ ipſum Radulph' ut præd' eſt fact̃ hucuſq; ꝓvenieñ ſive accideñ reſtitueret̃, Et præd' Attorñ nr̃ general' qui ꝓ nobis in hac parte ut præfert̃ ſequebat̃ in pred' Cur̃ nr̃a ſcz. apud Weſtm̃ antedict̃ ꝓ nobis petiit diem ulterius cum ceteris de conſilio nr̃o in legib. erudit̃ inde interloquend̃ uſq; ad Craſtinum Sanct' Trinit̃ tunc prox' ubicunq; &c. Et habuit &c. Idemq; dies dat̃ fuit præd' Radulpho Rogers tunc &c. ad audiend' ſi quid idem Attorñ noſtr̃ general' ꝓ nobis verſus cum tunc & ibm̃ in hac parte allegare vel dicer̃ poterit. Ad qd quidem craſt. Sanct' Trinit̃ coram nob. nunc in Cur̃ nr̃a pred' ſcz apud Weſtm̃ antedict̃, ven' tam ꝑfat̃ Radulph Rogers per Attorñ ſuum præd' qm dict̃ Attorñ nr̃ general' qui ꝓ nobis in hac parte ut preferr̃ ſequebat̃. Super quo idem Radulphus Rogers per dict' ejus Attorñ petiit ſicut prius judiciũ in hac ꝑte ſibi ꝑ eandem Cur̃ nr̃am reddi. Et qd manus nr̃a à dict' poſſeſſion' nr̃a ꝑd' mañii de Hoope Baggard cum pert̃ amoverent̃. Ac qd ipſe idem Radulphus Rogers ad pleñ integr̃ & pacific' poſſeſ. ſuam inde, una cum exit̃ & ꝓfic' inde à tempor̃ perquiſitioñ ejuſd' manerii ꝑ ipſum Radulph. ut ꝑfert fact̃ hucuſq; ꝓvenieñ ſive accideñ reſtitueret̃, Et pref. Attorñ noſtr̃ general' qui pro nob. in hac parte ut pred' eſt ſequebatur dixit qd ex quo ſibi ſufficieñ conſtabat tam ꝑ quoddam Record in Turri Lond' irrotulat̃ qd d'us Ric. 2. quondam Rex Angl' ꝑ Literas ſuas patent̃ gereñ dat̃ die Anno regni ſui 22 aſſignavit

navit Elianor quæ fuit ux' Rog' Mortimer quondam Comit March iæ pro dote ſua ipſam de hæredit pred' Rog. contingen' inter alia manet de Cleoburie cum feod Milit ad illud ſpectan int quæ prædict manet de Hoope Baggard pticulariter enumerat pertinere ad dict manerium de Cleobury & de eo teneri, Necnon per depoſitiones diverſor' teſtiu in Cur noſtra Wardorum de Recordo remanen', Necnon per decretum ejuſdem Cur noſtræ quinetiam per diverſa alia Record expreſ. proban' dictum manerii de Hoope Baggard teneri de præd manerio de Cleobury, Ac etiam p eo quod eidem Attornat noſtro manifeſtè liquebat qd Robertus nuper Comes Leic' tempore mortis dicti Humfrid. Hil fuit ſeiſitus de pdicto manerio de Cleobury. Ideo idem Attorn nr non dedixit quin fatebatur placit & traverſiam pred fore vera modo & forma put pred Radulphus Rogers ſuperius plac' allegauit habitaq; ſuperinde matura & diligenti deliberac' ac de adviſam to diuſ. juris peritor' de conſilio nr'o in cur' nra præd, ſcilicet apud Weſtm præd, ad id denotat, & ibidem exiſten' factaq; ſolempni p clamatione hac vice in eadem Cur noſtra q ſi aliquis nos aut Attorn' nrum præd vel ceteros ſeu aliqe alium de conſilio nro in legibus erudit inform' vellet quare manus nræ à poſſeſſione noſtra præd' antedicti manerii de Hoop Baggard cum pertin' non amoverent, Ac quare ipſe idem Radulphus Rogers ad plen integram & pacific' poſſeſſion' ſuam inde, una cum exitibus & p fic' ind à tempore perquiſitionis ejuſdem manerii p ipſum Radulph. ut præmittit fact' hucuſq; provenien' ſive accidn non reſtitueret, veniret & audiret nulluſq; ad id faciend' ſe aliquo tempor opportuno obtulit. Ideo Termin' Sanct' Trin', ſcz. 27. die Maii, Anno regni noſtri 42. conſiderat' adjudicat' definit' & decret' fuit per Thom Egerton' Mil, Domin' Cuſtodem Magni Sigilli noſtri Angliæ, Et p Cur noſtram præd quod man' noſtr à dicta poſſeſsione nra antedicti manerii de Hoope Baggard cum p tin' amoverentur, Ac q ipſe idem Radulphus Rogers ad plen integ & pacific' poſſeſsion' ſuam inde, una cum exit & profic' inde à tempore p quiſitionis ejuſdem manerii p ipſum Radulph. ut præmittit fact' hucuſque p venien' ſive acciden' reſtitueretur, Ac q idem Radulph. Rogers de omnibus & ſingulis pecuniar ſummis per ipſum medio tempore de exitibus & proficuis præd' manii de Hoope Baggard cum pertinent' percept' ſeu quoviſmodo percipiend exoneretur ſalvo jure cujuſlibet put p Record & proceſſ. inde in Filaciis Cur Cancellar nræ predict' reſiden' plenius liquet. Et quia voluimus ea q in Cur Cancellar nræ p mentionat' rite acta ſunt debitæ executioni demandari, Ac ideo q ſecundum exigentiam Judicii præſpecificat' verſus nos pro præfato Radulpho Rogers reddit manus noſtræ à dicta poſſeſsione noſtra antedicti manerii de Hoope Baggard cum pertinen' ſine dilatione amoverentur, Ac quod ipſe idem Radulphus Rogers ad plenam integram & pacificam

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poſſeſsionem ſuam inde, una cum exitibus & proficuis inde à tempore perquiſitionis ejuſdem manerii per ipſum Radulphum ut præmittitur fact' hucuſque ꝓvenien̄ ſive accidēn reſtituatur, ac quod idem Radulp. Rogers de omnibus & ſingulis pecuniar̄ ſumm̄ per ipſum medio tempor̄ de exitibus & proficuis pred' manerii de Hoope Baggard cum pertin̄ percept̄ ſeu quoviſmodo percipiend' exoneretur. Tibi igitur precipim̄, q manus noſtras à præmentionat̄ poſſeſsione noſtr̄ antedict' manerii de Hoope Baggard, cum pertinentiis, in manibus noſtris virtute poſterioris Inquiſitionis pred' ut præmittitur exiſten̄, ſi ea occaſione & non alia in manibus noſtris exiſtet ſeu exiſtere debet ſine dilatione amoveas te inde ulterius in aliquo nullatenus intromittas. Ac quod ipſe ipſum Radulphum Rogers ad plenam integram & pacificā poſſeſsione̅ ſuam inde, una cū exitibus & proficuis inde à tēpore perquiſitionis ejuſdem manerii per ipſum Radulphum ut predict' eſt fact̄ hucuſque provenientibus ſive accidēn reſtituas, Quodque eundem Radulphum Rogers de omnibus & ſingulis pecuniarum ſummis per ipſum medio tempore de exitibus & proficuis pred' manerii de Hoope Baggard cum pertinen̄ percept̄ ſeu quoviſmodo percipiend' exornerari fac'. Salvo jur̄ noſtro & alterius cujuſcunq; exitus ſi quos de præd' manerio de Hoop Baggard, cum pertinentiis, ratione ſeu colore poſterioris Inquiſitionis præmentionat̄ pro nobis ſeu nomine noſtro ut præfertur perciperis, eidem Radulpho Rogers liberans ut eſt juſtum T. R. apud Weſtmonaſterium ultimo die Maii, Anno Regni noſtri Quadrageſimo ſecundo.

A Bill or Petition for the defalking of a rent iſſuing out of the Wards lands, and not found by Office out of the Leaſe, to bee granted by the Queene to the Courts.

TO all humbleneſſe ſheweth and beſeecheth your humble ſuppliant I. Sect. 5.
H. Eſquire, and I. P. late wife of C. P. deceaſed, That whereas by an Inquiſition taken after the death of the ſaid C. certified into her Maieſties Court of Chancerie, and tranſcripted into this honorable Court, and there remaining of record, it is found, that the ſaid C. P. died ſeiſed in fee ſimple of divers Lands and Tenements held of her Maieſtie by Knights ſervice, and that H. P. is his ſonne and next heire, and within age, by vertue whereof her highneſſe was and is lawfully intituled to the Wardſhip of the bodie and lands of the ſaid H. P. And whereas your honour by the mediation of Maſter Doctor P. was pleaſed that your honors ſaid ſuppliants ſhould have a graunt of the

Ward;

wardſhip and marriage of the ſaid H. P. and a Leaſe of the ſaid lands and tenements during his minority. And whereas a great part of the ſaid lands & tenements are in leaſe for divers yeares, to have continuance longer than the minority of the ſaid Ward, which Leaſes with the rents thereupon reſerved, are found by the ſaid Inquiſition, and by reaſon thereof the ſaid lands and tenements are found at a very great yearly value. And whereas there is a yearely rent of xiiii. li. iſſuing and going forth of the ſaid lands and tenements, paid and payable for ever, to her Ma. and her ſucceſſors, in the receit of her highneſſe Exchequer, which rent was not given in evidence unto the Jurie, or ever remembred at the time of the taking of the ſaid Inquiſition. By reaſon whereof the ſaid lands and tenements were found at as great a yearely value as if no ſuch rent had beene payable to her Ma. or any way going forth of the ſaid lands and tenements without any exception, deduction, or allowance of the ſaid rent. It may therefore pleaſe your honour the premiſſes conſidered, that in the rent to be reſerved to her M. upon the Leaſe to be made to your ſaid ſuppliant, as is aforeſaid, a deduction or allowance may be made of the ſaid rent of xiv. li. by the yeare, and your ſaid ſuppliant not thereby chargeable to pay the ſame rent of xiv. li. to her highneſſe, both in this honorable Court, and alſo in the ſaid Court of Exchequer. And your ſaid ſuppliant ſhall dayly pray to God for your honor in health and happineſſe long to continue.

Injunction to ſtay a ſuit commenced in the Spirituall Court for Tythes.

By the Queene.

Sect. 6. WE will &c. forthwith after the receipt hereof to ſurceaſe and ſtay, and not to proceed any further in a ſuit commenced by you the ſaid R. T. in the Court Chriſtian within the Archdeaconrie of Richmond, againſt E. D. widow, late wife of T. D. Eſquire deceaſed, for and concerning all manner of Tythes in their kind, comming and growing within the manor of T. in the Pariſh of N. in our Countie of Y. parcell of the inheritance of C. D. our Ward, nor to proceed in any other Court or place concerning the ſaid Tythes than in our court of Wards and Liveries, to which the juriſdiction of cauſes concerning our Wards inheritance moſt properly appertaineth, and faile you not &c. Given &c.

An

An inquiſition whereby a conveyance is found fraudulent.

INquiſitio indentura capta apud caſtrum N. in Com̃ N. præd' quarto die Januarij anno regni dominæ Eliz. Dei gratia Angl, Franciæ, & Hiberniæ Reginæ, Fidei defenſor̃, &c. 40. corã W. B. C. L. Armigeris H. B. gen̄ ſeodar̃ Com̃ p̃d E. B. W. R. & P. B. gen̄ commiſſionariis dict̃ dominæ Reginæ, virtute commiſſionis dictæ domin' Regi iis direc' & huic Inquiſitioni annex' p ſacram̃t ꝓbor̃ & legaliũ hominum eiuſd' Com̃. Qui dicunt ſuper ſacram̃t ſuũ quod cum comperi fuit per quand' Inquiſitionem capt̃ apud Swaſham in com̃ p̃d 7. die Junij anno regni dictæ dominæ Reginæ 38. coram T. M. a tunc eſcaetore dict̃ domin̄ Reginæ ejuſdem Com̃ virtute brevis dictæ dominæ Reg. de dic̃ clauſit extremum eidem Eſcaetori directi ad inquirend' poſt mortem G. M. defuncti, quod quidem W. L. & E. L. diu ante obitum ejuſdem G. ſeiſit̃ exiſten' de & in duodecim acris ter̃ & paſtur̃ cum pertin in G. in Com̃ p̃d, de eiſdem duodecim acris feoffaverũt eundem G. & quendam G. M. Habend eiſd G. & G. & hæredibus ſuis ad opus & uſum ipſorum G. & G. & hæredum ſuorum imꝑpetuum. Et quod iidem G. & G. ſic inde ſeiſiti exiſten̄ in dominico ſuo ut de feodo. Et idem G. M. de aliis tris & tenementis in G. p̃d H. T. & alibi infra Com̃ p̃d ſeiſitus exiſt. in dominico ſuo ut de feodo, idem G. M. per factũ ſuũ ger̃ dat̃ 18. die Auguſti, anno regni dictæ dominæ Reginæ, 33. ea intentione ad gratulandũ dilectum frat̃ T. M. & dilectos ſuos conſanguineos T. N. & C. N. & S. S. gen̄ ꝓ magnis laborbus ſuis quos iidem T. T. C. & S. antea ſuſceperũt in & circa negotia ejuſdem G. M. ad magnam utilitatem ejuſdem G. M. & pro naturali amore quem idem G. M. gerebat verſus frat̃ & cõſanguineos ſuos prædict' ac pro melioratione Angliæ **advancement**, ipſorum T. T. C & S. & ad intentionem quo ipſi & hæredes eor̃ quos ſuper viverit conceſſer̃ annuitatem ſive annualem redditum 30. li. exeũ de tris & tenem̃tis prædict' cuidam R. M. filio ſeniori ipſius G. M. & hered de corpor̃ ipſius R. procreatis et ꝓcreandis de eiſdem duodecim acris & ceteris omnibus premiſſis idem G. M. feoffavit eoſdem T. M. frem ipſius G. M. et prædict' T. N. C. N. et S. S. hẽnd et tenend. omnia et ſingula præmiſſa eiſdem T. T. C. et S. et hered ſuis ad opus et uſum ipſorum T. T. C. & S. & hered ipſorum imperpetuum. Et quod paulo poſt ſcilicet viceſimo tertio die Septembris, anno regn̄ dict' dn̄e Reginæ Elizabethæ, triceſimo tertio prædict iidẽ T. T. C. & S. de eiſdem præmiſſis feoffaverunt eundem G. M. hẽnd eidem G. M. & hered ſuis ad uſum ejuſdem G. M. ꝓ termino vitæ ſuæ & poſt mortem ejuſdẽ G. M. tunc de prædict' 12. acris in G. quondam Lomnos & de parcella præmiſſor̃ ad uſum W. M. E. uxor̃ ejus ꝓ termino ſex annor̃ extunc proxim̃ Sect. 7.

ꝓxim' ſequent', & ad finem ejuſdem termini tunc ad uſum dicti T. M. fratr' & poſt mortē ejuſdem T. ad uſum executor' teſtamenti & ultime voluntatis ejuſdem G. M. quouſq; T. M. fil' ejuſdem G. M. ad plenam ætatem 21. annorum ꝓvenerit, & poſt mortem ipſius T. M. filii, tunc ad opus & uſum ipſius T. M. filii & hæred' de corpore ipſius T. filii procreat', & pro defectu talis exitus ad opus & uſum G. M. filii alterius ejuſdem G. patris & hæred' de corpor' ipſius G. filii ꝓcreat', & pro defectu talis exitus ad uſum cujuſdam A. filiæ pred' C. patris & hær' d' corpor' ſuo ꝓcreat', & pro defectu talis exitus ad uſum pred' G. M. ꝓ termino vit' ſuæ, & poſt mortem ipſius G. M. ad uſum E. M. & hær' de corpore ſuo ꝓcreat'. Et qd idem G. M. pater virtute ejuſdē feoffamenti in eadem præmiſ. cum ꝓtineñ intrans & inde ſeiſitus exiſtens in dñico ſuo ut de libero teñto ꝓ tmino vitæ ſuæ, & ſeiſitus etiam exiſtens in dñico ſuo ut de feodo, de aliis terris & tenementis cū ꝓtiñ in Brunton, & alibi in com̃ p̃d'. Idem G. M. pat' p ſcript' ſuum gerens dat' 17. die Octobris, anno regni dictæ dñæ Reg. triceſimo quarto conceſſit p̃fato T. M. fratri ſuo, & p̃fato T. N. conſanguineo ſuo tam p̃d' 12. acr' t̃r' in Gunthorpe præd', quond' Lomnors, q̃m oēs alias t̃ras & teñta ſua cum ꝓtiñ, in Gunthorpe Thursford, & alibi infra Com̃ p̃d', hēnd' illas t̃r' & teñta, cum pertineñ, eiſdē T. M. fratri ſuo, & T. N. & hæred' ſuis ad opus & uſum ejuſd' G. M. p̃ris ꝓ tempor' vitæ ſuæ, & poſt mor' ejus. Tunc de & in p̃d' 12. acris t̃r' in Gunthorp quondā Lomnors, & aliis t̃ris in Bale & Hindringham ad uſum p̃f. T. M. fratris, & poſt mor' ejus, ad uſum execut' ipſius ejuſdē G. M. p̃ris quouſq; p̃d' T. M. fil' ꝓvenerit ad ætatem xxi. annor̃, & tūc ad opus & uſum ejuſd' T. filii & hæred' de corpor' ſuo ꝓcreat', & ꝓ defectu talis exit ad uſum p̃d' G. M. filii & hær' de corpore ſuo ꝓcreat', & pro defectu talis exit' ad opus & uſum I. & G. M. p̃d' & hær' de corpore ſuo ꝓcreat', & ꝓ defectu talis exit' ad uſum E. & A. duar' filiar' ejuſd' G. M. p̃ris & hæred' de corpor' ſuis ꝓcreat', & ꝓ defectu talis exit' ad uſum p̃d' T. M. fratris, & hæred' ſuor' imꝑpetuum, prout p eandem Inquiſitionē (inter alia) plenius liquet & apparet. Jurator' p̃d' modo de & ſup̃ p̃ſenti Inquiſitione impanellati, & Jurati dicunt ſup̃ ſacr̃um ſuū præd', quod præd' feoffam̃ ſic ut præf. fact' p præd' W. & E. L. & conveian̄ omnes pred' in dicta inquiſ. mentiōn & in commiſſione huic Inquiſit' conſuta ſpeciał de & concern̄ præd' 12. acr' t̃r' in G. præd' factæ fuer' & q̃libet eorū fact' fuit ad fraudem & coviñ ea intentione, cauſa & ꝓpoſito ad d̄cipiend' & defraudend' dict' dñam Reg. de prærogativa ſua, prima ſeiſina, liberac', relevio wardo, maritagio, & alio Jur' ſuo quocunq; & decipiend' & defraudend' ipſam dñam Reg. de ꝓficuis terrar' & teñtorum ipſius ejuſd' G. M. def. de quibus eadem dña reg. p prærogativam ſuam & leges regni ſui Angl' durant' minori ætate præd' T. M. filii et her' ꝓpinquior' dicti G. M. def. de jur' reſponderi deberet. Q̃dque nec eadem

feoffa-

feoffamta convenc' oēs p̄d', nec eor aliqua fact' fuer p̄ bon & legitim̄ cauſis & conſiderac' & bona fide, ſed fact' fuer per fraud' & covin̄ ea intent̄ qua ſuprad' eſt. Et ulter Jur pred' dic' ſuper ſacrm ſuum pred' q̄ pref. G. M. pater per teſtam̄t & ultim̄ volunt̄ ſuā in ſcript, gerē dat xx. die Septemb. anno Dñi 1591. inter alia voluit & legavit p̄f. G. M. xx. libr̄ bone & legal monet Angl ſolvend' eid' G. M. ad ætat̄ ſuam 24. ann̄ per execut ejuſd' G. M. p̄ris ea condic', q̄ idem G. M. ſuffic' in lege p̄ fact̄ ſuum relaxarit pref. T. M. fil & hered' ejuſd G. M. & hered' ipſius T. M. (& ibm̄ fact relax' traderit manib' exec' pred' G M. p̄ris ad opus & uſum p̄d T. M. fil & hered' ſuor) totū jus, tit & clam̄ ipſi' G. M. de & in pred' xii. acr̄ tr̄ in G. p̄d q̄nup fuer W. L. & E. L. p̄d, ad op' & uſū p̄d T. M. fil & hered' ſuor, put p̄ eand volunt Jur pred' ſup captiōn hujus Inquiſ. in evidenc' oſtenſ. plenius liquet & apparet. Et ulterius Jur p̄d' dic' ſup ſacrm ſuū p̄d', q̄ q̄ p̄f. G. M. eſt unus fil E. M. fil ejuſd' G. M. p̄ris & fuit infra etat̄ xxi. ann̄ ſcz. etatis quatuor vel quinq menſiū aut eo circiter tēpore confectiōn feoffamti pred', p pred' W. & E. L. & q̄ eſt etat̄ 24. ann̄, vel eo circiter tempus captiōn hujus Inquiſ. Et q̄ pred' execut teſtamenti ejuſd' G. M. patris nondū ſolverunt pred' xx. libr̄ pref. G. M. p eund' G. M. legat̄, ut ſuprad' eſt. Neq pred' G. M. nondū relaxavit put Jur pred' ſup captiōn hujus Inquiſ cōſtar poterit. Dicūt etiam Jur pred' ſup ſacrm ſuum pred', q̄ idē G. M. pat pecun̄ ſuis ppriis pquiſivit pred' xii. acr̄ tr̄ in G. de pred' W. Et E. L. & q̄ idē G. M. nō ſolvebat aliquā pecun̄ nec dedit aliquā conſideř p p̄quiſit pred' ſed fuit nominat' in eod' feoffamt cū eod' G. M. ad decipiend' dñā Reg. put ſuprad' eſt, Et q̄ idē G. M. nullā habeat notic' dicti feoffamti tēpore confect' ejuſdem nec poſtea durant vita ipſius G. M. ſed capt fuit feoffamt illud in ejus noīe ſiñ cōſenſu vel notic' ſua. Et ulter Jur pred' dic' ſup ſacrm ſuum pred' q̄ pref. G. M. ſtat poſt feoffamt pred' p pref. W. & E. L. in forma pred' ſibi, & pref. G. M. de pred' xii. acr̄ fact intrabat ſolus in oēs p̄d xii. acr & ſolus recipiebat oēs & oīmodas exit & p̄fic̄ua earund', & cujuſlibet partis earund tā toto tempore ante feoffamt ſuum inde ut preferť T. M. T. N. C. N. & S. Collard fact', quā poſtea continue durante tota vita ſua, ſcz. per ſpacium xx. annor & amplius ad uſum ſuū propriū abſque aliqua conveniancia vel licentia p pref. G. M. ſibi in hac pte fact. Et q̄ poſt mort ejuſd' G. M. p̄ris hucuſq; W. M. & uxor ejus, & E. M. exec' teſtamēti pref. G. cepeř p̄fic̄ua earund xii. acr & diverſ. aliar tr̄ ejuſd' G. M. p̄ris & ead' p̄fic' vel eorund aliqua annuatim converteř ad manuteñ, vict' & veſtit ipſor T. M. & G. M. filii pref. G. M. p̄ris defunct. Et q̄ idē G. M. nūquā cepit p̄fic' earund tr̄ nec ear ptis alicujus, nec aliq habuit nec hēt ad agend cum dimiſſiōn ſeu occupat earund xii. acr aut alicujus inde pcelf. Et ult Jur p̄d dic' ſup ſacr ſuū p̄d, q̄ idem G. M. nūquā hēbat in cuſtod ſua nec videb p̄d fact feoff. de p̄d xii. acr ſibi & p̄f.

G. M.

G. M. pred' ut preferī fact' ſed quod idem G M ſolus habebat in cuſtodia ſua durante tota vita ſua & q̄ poſt mortem ejuſdem G. M. devenit ad manus prefati T. M. fratris unius executorū ejuſdem G. M. patris & non ad man° dicti G. M. et ulterius jur̄ predict' dicunt ſuper ſacram̄t ſuum predict' quod iidem G. M. pater nunquā intendebat quod idē G. M. heredes vel aſſignat̄ ſui haber̄ dict' duodecim acras terr̄ in Gunthorpe aut aliquam inde parcellam, aut aliquod inde proficuum ſeu commod̄ capere attemptaret ſed quod ipſe idem G. M. pater eis gauderet ſolus & eas totas p̄ libit & arbitr̄ ſuis ſolus diſponer̄. Et ulterius Juratores pred' dicunt ſuper ſacram̄tum ſuum predict quod predict̄ feoffamentum per prefat G. M. patrem prefat̄ T. M. T. N. C. N & S.S. ut prefertur fact' fuit pro melioratione et advantiamento Anglicæ **the preferment and advancement** ipſius G. M. patris et dicti T. M. filii & her̄ apparentis ipſius G.ea intentione ut ipſi eas reconcederent eidem G.M. patri mod̄ et forma prout eas eidem G. reconceſſer̄ ut p̄d̄ eſt & nec ad commodum ſive proficuum ipſorum T. T. C. & S. S. feoffat pred̄ ſeu eorum alicujus. Quodq; pred̄ reliquæ conveanciæ anū dñę Reginæ nunc 33. & 34. mentionat̄ fact', fuerunt fact', per fraud̄ & covinam prout ſupra dictum eſt & in fiducia & confidentia quod p̄ficua eorund̄ convertantur ad uſum commodum et præ melioratione Angl̄ **preferment** pręfati T. M. filii & alior̄ filiorū ejuſdem G. M. defuncti & **non** ad commodum eorund̄ T. M. fratris T. N. C. N, & S.S. ſeu eorum alicujus dicunt etiam Iurat̄ pred̄ ſuper ſacram̄t ſuum pred̄ quod idem G. pater per pred̄ fact' ſuum dat̄ 18. Octob. anū 34. pred̄ reſervavit ſibi poteſtat̄ & authoritat̄ plenam mutandi ſtatus & limitationē creat̄ fact' & limitat̄ per idem fact' ſed utrū mutavit eos nec ne Jurat̄ pred' penit̄ ignorant. Et ulterius Jurat̄ pred' dicunt ſup̄ ſacram̄t ſuum pred' quod pred' R. M. filius ejuſdem G M. patris ſuperius notati fuit mortuus in aū 30. dictæ dñæ Eliz. Reg. quodq; pred' T. M. T. N. C. N. & S.S. nec eor̄ aliquis conceſſerunt ſe conceſſerit pred̄ annuitatem ſeu annual' reddit̄ triginta libar̄ eidem R. prout intentio facti pred̄ per prefat G. Might eis facti prefertur præ ſe ferebat. In cujus rei teſtimonium &c.

A

A commission to enquire of a fraudulent Conveyance.

ELizabeth Dei gratia Angl', Franc', & Hiberñ Regina fidei defens. &c. dilectis nobis, Willielmo Bleurhasset, Christofero Layer aī M. Henrico Branthwait generī feodaī nostri Norf. Ed. Bleurhasset, Willielmo Robinson & Petro Barker generosis saluī. Cum p quandam Inquisitionem captam apud Swaftham in Coñ nostr̄ p̄dicto 7. die Junī Anno regni nostri 38. coram Tho. Methwold armī tunc Escheat nostr̄ Cum nostri pred', Virtute brevis nostri de diem clausit extremum eidē Escaetori direct' ad inquirend' post mort Galfridi Might capt & in Cancellar nostra retornat (inter alia) sit compertum qd quidam Willielm' Lomnor & Ed. Lomnor diu ante obitum ejusdem Galfridi Might seisiti existeñ de & duodecim acris terræ & pasturæ cum pertinentiis in Gunthorp in dicto Coñ nostro de eisdem duodecim acris feoffaver eundem Galfridum Might & quendam Galfridum Monie, Habend eisdem Galfrido & Galfrido & hered suis, Et quod iidem Galfridus & Galfrid sic de premiss. seisiti existeñ, & idem Galfridus Might de aliis terris & tenementis in Thusford & alibi infra Coñ pred seisitus existeñ in dominico ut de feodo. Idem Galfridus Might per fact' suum dat 18. August. Anno regni nostri 34. ea intentione ad gratuland dilectum fratrem suum Tho. Might & dilectos suos consanguineos Thom Norris, Cuthb. Norris, & Steph. Shoring. geñ p magnis laboribus suis quos iidem Tho. Tho. Cuthb. & Steph. antea super se susceperunt in & circa negotia ejusdem Galfrid Might feoffavit eosdem Thomam Might, Thom Norris, Cuthb. Norris, & Stephañ Shorting de dictis duodecim acris terræ in Gunthorpe, & ceteris omnibus premiss. Habend & tenend omnia & singula premiss. eisdem Tho. Tho. Cuthbert & Stephano, & hæredibus suis ad opus & usum ipsorum Thom Thom Cuthb, & Stephani, & hæredum suorum imperpetuum. Et quod paulo post scilicet 26. Septembris extunc proxim sequent, iidem Thomas, Thom, Cuthbertus, & Stephanus per cartam suam de eisdem premissis feoffaverunt eundem Galfridum Might, Habend eisdem Galfrido & hæredibus suis ad usum ejusdem Galfrid Might pro termino vit suæ, Et post mortem ejusdem Galfridi Might ad usum Willielmi Mony & Elizab. uxor ejus pro termino sex annorum extunc proxim sequent, & ad finem ejusdem termini ad usum ipsius Tho. Might fratris, & post mortem ejus ad usum executorum testamenti & ultimæ voluntatis ejusdem Galfridi Might quousque Thomas Might filius ejusdem Galfridi Might ad plenam ætatem viginti & unius annorum pervenerit, & Sect. 7.

ad plenam ætatem ipſius Tho. filii tunc ad uſum ejuſdem Tho. Might filii & hæred de corpore ipſius Tho. filii procreat, & pro defectu talis exitus ad uſum Galfridi Might filii alterius ejuſdem Galfridi patris & hæred de corpore ipſius Galfridi filii procreat, & pro defectu talis exitus ad uſum cujuſdam Annæ filiæ ejuſdem Galfridi patris & hæred de corpore ſuo procreat, & pro defectu talis exitus ad uſum Galfridi Monie pro termino vitæ ſuæ, & poſt mortem ipſius Galfrid Monie ad uſum Edmundi Monie, & hæred de corpore ſuo procreat. Et qd idem Galfridus Might pater in eadem præmiſſa cum pertinentiis intrans, & inde ſeiſitus exiſten in dominico ſuo ut de libero tenemento pro termino vitæ ſuæ, & ſeiſitus etiam exiſten in dominico ſuo ut de feodo de aliis terris & tenementis, cum pertinentiis, in Brunton, & alibi in Comitatu prædict' per ſcriptum ſuum, gerens dat decimo ſeptimo Octobris Anno regni noſtri triceſimo quarto, conceſſit præfato Thomæ Might fratri ſuo, & præfat Thomæ Norris conſanguineo ſuo tam prædictas duodecim acras terræ, quam omnes alias terras & tenementa ſua cum pertinentiis iiſdem Thomæ Might fratri ſuo, & Tho. Norris & hæredibus ſuis ad opus & uſum ipſius ejuſdem Galfridi Might patris pro termino vitæ ſuæ, & poſt mortem ejus ad uſum executorum ipſius ejuſdem Galfrid Might patris quouſque prædict' Tho. Might filius pervenerit ad ætatem viginti & unius annorum, & ad plenam ætatem ipſius Thomæ Might filii tunc ad opus & uſum ejuſdem Tho. Might filii & hæred de corpore ſuo procreat, & pro defectu talis exitus ad uſum præfati Galfridi Might filii & hæred de corpore ſuo procreat, & pro defectu talis exitus ad uſum Joh. & Galfridi Monie & hæred de corpore ſuo procreat, & pro defectu talis exitus ad uſum Elizab. & Anno prædict' & hæred de corporibus ſuis procreat, & pro defectu talis exitus ad uſum prædicti Tho. Might fratris & hæredum ſuorum imperpetuum, prout per eandem Inquiſitionem inter alia pleniùs liquet & apparet. Et cum Thomas Hesketh armig', modo Attornatus Curiæ noſtræ Wardorum & Liberac' Magiſtro & Conſilio ejuſdem Curiæ ex parte noſtra monſtravit, quod prædict' feoffamentum & conveiancia prædict' fact' ut ſupradictum eſt fact' fuer per fraudem & covinam ea intentione, cauſa & propoſito ad decipiend & defraudend nos de cuſtodia corporis & maritagio præfati Thom Might filii & hæred ejuſdem Galfridi Might patris infra ætatem exiſten & Ward noſtri ac ad decipiend & defraudend nos de profic' earum terrarum & diverſarum aliarum terrarum ipſius Galfridi Might patris de quibus durante minori ætate ejuſdem Ward noſtri de jure reſponderi deberemus: Quæ quidem Monſtratio de noſtra parte (ut accepimus) dictis Magiſtro & conſilio Cur noſtræ Ward & Liberationum prædict' videbatur

batur fore vera, & quia prædict' Tho. Might frater T. Norris, & Cuth. Norris judicialiter vocat' coram eisdem Magistro & Consilio in eadem Curia nr̃a ad respond' Informationem & monstrationem dicti Attornati nostri non denegaverunt super sacramenta sua, sed plane confitebantur feoffament̃ & omnes conveiancias prædict' fact' fuisse ut præfertur, allegaverunt tamen quod facta fuerunt p̃ bonis & legitimis consideration̄ & bona fide, & non per fraudem neque covinam, ut supradictum est. Sciatis igitur quod nos de veritate & certitudine præmissorum certos fieri volentes & de fidelitate industria & providis circumspectionibus vestris plurimum confidentes assignavimus duos vel plures vestrum commissionarios nostros ad inquir̃ per sacramentum proborum & legalium hom̃ præd' Com̃ nr̃i Norff. tam infra libertates q̃m extra per quos rei veritas & certitudo in præmiss. melius sciri poterit utrum p̃d' feoffament̃ & conveianciæ præd' fact', factæ fuerant per fraudem & covinam, intentione aliqua, causa vel proposito ad decipiend' vel defraudend' nos hæredes vel successores nr̃os de Prærogativa nostra, prima seisina, liberatione, relevio, wardo, maritagio, vel aliquo alio jure nr̃o quocunq; necne, & de omnibus aliis rebus & circumstantiis fraudem covinam & deceptionem præd' qualitercunq; tangen̄ seu concernen̄. Et ideo duob' vr̃m vel pluribus vr̃um præcipimus & mandamus, quod ad certos dies & loca quos ad hoc duo vel plures vr̃um provid' exacte & diligent̃ super p̃miss. faciatis Inquisic'. Eamque sic fact' & in pergameno distincte & aperte script̃ nobis in Canc' nr̃a præd' sub sigillis duorum vel plurium vr̃um & sub sigillis eorum per quos inquis. eadem facta fuerit sine dilatione mittatis & has literas nostras patentes. Mandamus etiam tenore præsentium Vicecom̃ nr̃o comit̃ præd' q̃d ad certos dies & loco quos ei sciri feceritis vel duo vestrum sciri fecerint venire fac' coram duobus vel plubus vr̃um tal̃ & tales probos & legales hoc̃s de balliva sua tam infr̃ libertates q̃m extra per quos rei veritas in præmiss. melius sciri poterit & inquiri. In cujus rei testimonium has literas nostras fieri fecimus patẽtes. Teste meipsa apud West. vicesimo sexto die Novemb. Ann̄ regni nostri quadragesimo.

An Inquiſition upon a Devener after the death of an heire within age, and in Ward.

Sect. 8. INquiſitio indentat̃ capt̃ apud W. in Com̃ præd̃ xiv. die Novemb. Anno regni dom̃ Eliz. Dei gr̃ &c. coram H. E. ar̃ Eſchaetor̃ dict̃ Dom̃ Reg̃ in com̃ præd̃ B. W. gener̃ Feodar̃ ejuſdem dom̃ Reg̃ in dict̃ com̃ G. H. geñ. Commiſſionar̃ dict̃æ dom̃ reg. virtute Commiſſioñ dict̃ dñæ Reg̃ in natura brevis, de devenerunt eiſdem Commiſ. direct̃ & huic inquiſic' annex' ad inquirend̃ poſt mortem W. K. junior̃ fil̃ & hær̃ W. Keeling defuncti per ſacr̃m &c. Qui dicunt ſuper ſacr̃ ſuũ q̃ præd̃ Wil. Keeling in dicta commiſſioñ nominatus die obitus ſui fuit ſeiſitus in dom̃ ſuo ut de feodo de & in uno meſſuag' uno horreo, & quatuor virgat̃ t̃r̃, cum p̃t̃ ſcituat̃ jaceñ & exiſteñ in Farringdoñ & Weſtbrook in dicto Com̃ Berk' Et præd̃ W. K. in dicta commiſſioñ nominatus ſic inde ſeiſitus exiſtens tali ſtatu dum infra ætat̃: & in cuſtodia dict̃ dñæ Reg' 21. die Sept'an' obiit ſic inde ſeiſitus. Et quod omnia & ſingula premiſ. per mortem dict̃ W. patris & ratione minoris ætatis pred' Wil. in dict' commiſioñ nominat̃ ad manus dict̃ dom̃ reg. devener̃ & ſic in manibus dict̃ dom̃ reg' exiſtunt. Et ulter̃ Jurator̃ p̃d̃ dicũt ſuper ſacr̃ ſuũ p̃d̃. Qd præd̃ meſſ. & cetera premiſſ. cum pertin' in Farringdoñ & Weſtbrook præd in dict' Com̃ Berke, tenent̃ & tempor̃ mortis dicti W. K. in dicta commiſſioñ nominat̃ tenebant̃ de dict' domina reg' per ſervic' xl partis unius feodi milit̃: & quod valent clar̃ per anñ in omnibus exit ultr̃ repriſ. liii. s. iv. Et quod quidam R. K. eſt frater & ꝓpinquior hæres p̃dic' Wil. K. in dicta commiſſ. nominat. Et fuit tempore mortis ejuſdem W. fratris ſui infra ætat̃ 21. annor̃ viz. ætatis quindecim annor̃ 9. die Apr. ultim̃ preter̃; Et inſuper Jur̃; præd' dicunt quod prædictus W. K. in dicta commiſſioñ nominatus nec aliquis alius ſive aliqui alii ad ejus uſum habuit ſive tenuit habuerunt ſive tenuerunt aliqua al̃ ſive plur̃ meſſuag' ter̃ tenta ſive hæreditameñt in dominico nec in ſervitio tempore obitus ſui in com̃ præd̃ nec alibi quam ut ſupradictum eſt ad novic' Jurator̃ præd̃. In cujus rei teſtimonium uni parti hujus Inquiſic' pœnes præf. commiſſionar̃ remaneñ pref. Jur̃ ſigilla ſua appoſuerunt, alteri vero parti ejuſdem Inquiſic' penes prefat̃ Jur̃ remaneñ præfat. commiſ. ſigilla ſua appoſuerunt die, anno, & loc' ſuprad̃.

The answer of John Cooke Esquire, the Queenes Majesties Feodary of her highnesse Countie of Surrey, to the bill of Complaint of Anthonie Thomas, Complainant.

THe aduantage of exception to the insufficiencie of the said Bill of compl. to this def. now and at all times hereafter saued, he this def. as well for himselfe, as in discharging of his office, concerning her Ma. saith, That true it is, that the said Samuell Thomas, father of the said compl. died seised in his demesne, as of fee of the said watermill, lands, tenements, and hereditaments in Horley-downe in the bill mentioned: and that the same are discended to the said compl. in fee simple, as sonne and heire of his said father, and that the said premisses were sometime parcell of the possessions, rents, and reuenues of the hospitall or religious house of S. John Jerusalem, being long since by act of Parliament and otherwise dissolued. And that although in and by a former inquisition, by vertue of a writ of diē clausit extremum, to the L. Maior of the Citie of London, Escheator of our soueraigne Lady the Qu. Maiestie, of her highnesse borough of Southwarke, and other places in the said countie of Surrey, after the death of the said Samuell &c. without that &c. Sect. 10.

An Information against one for altering and razing the name of a Defendant.

To the right Honorable, R. C. &c.

SHeweth and informeth your hon. Lo. Sir T. Helketh knight, Attorney of his highnesse said court of Wards & Liueries, that whereas the said Sir T. H. heretofore by information in his Ma. Court of Wards and Liueries, for and in the behalfe of one Fr. Albanie, his Ma. Ward, did informe that R. J. of Oliwestrie in the County of Salop gent. E. M. a sonne of the same gent. R. T. of the same Dier, E. ap Tho. of the same, T. G. H. Griffyth of the same Weauer, Gryffith Jones of the same Taylor, Ar. ap. Rob. of the same Baker, Ric. Wilson of the same, Meredith Jones of the same Weauer, Richard ap Robert of the same Shereman, Edw. ap John of the same weaver, and Euan ap Gryffith of the same weauer, and diuers other, whose names are not knowne to the said Attorney, had lately wrongfully intred and intruded into two parcels of common or waste ground, the one called Launtyzadon gouth, and the other called Kniceg bouth, parcell of the manor of Whittington in the said County, and the grasse Sect. 9.

thereupon growing or beeing, did wrongfully depasture and consume, with their cattell, to the great prejudice of his Majestie, and disinherison of his Majesties Ward: and thereupon, the said Attorney prayed his Majesties writs of private seale to be directed to the said persons, and to every of them, thereby commanding them and every of them at a certaine day, and under a certaine paine therein by the said Master of the Wards to bee limitted, personally to appeare before the said Master of the said Wards and Liveries, then and there to answer to the said premisses, and every part and parcell thereof, upon their corporall oaths, and also to set down upon their corporall oathes, what right, title, or interest, they and every of them challenge or claime to have of, in, or to the said two parcels of common or waste ground, or either of them, or any part or parcell thereof: and further to stand to and abide such further order and direction in the premisses, as the said master of the Wards and Liveries in his wisedome should thinke fit, as in and by the said Information remaining of record remaining in this ho. Court, more at large appeareth.

Whereupon one Thomas Hanmer of Porkington in the County of Salop Gentleman procured his Majesties Writ of Private Seale, dated the seven and twentieth day of Aprill, in the third yeare of the Kings Majesties raigne of England, France, and Ireland, and of Scotland the eight and thirtieth, to be directed out of this honourable Court to the said Edward Mason, Meridith Jones, Edward ap Evan, and John ap Gryffith, in the said Information before mentioned, commaunding them thereby to appeare before the Master, and Councell of this honourable Court of Wards and Liveries at Westminster, Octabis Trinitatis last past, there to answer to all such matters, as should be laid and objected against them by the said Attorney of the said Court Subpœna, every of them fortie pounds, which said Writ of Private Seale being sealed with the Kings Majesties said Seale, called the Private Seale, and the said Edward Mason, Meredith Jones, Edw. ap John, and Evan ap Gryffith, being thereby accordingly commanded to appeare as aforesaid, and the said names therein being faire written, without razing, and the same writ of Private Seale being so written, and being by some or one of the Officers or Clerkes of this honorable Court delivered to the said Thomas Hanmer, after such deliverie of the said Writ unto him, and before the serving thereof, the said Thomas Hanmer not having the feare of God before his eyes, nor due regard of his Majesties Laws in that behalfe made and provided, about the thirtieth of Aprill last past, and since his highnesse last generall pardon, willingly, wittingly, and falsely, altered, razed, or caused to bee razed in the said Writ of Private Seale, part of the

name

name made and written Rich. Mason, and made or caused the same to be made and written Rich. Mason, and so after such razure and alteration as aforesaid, he the said Thomas Hanmer served or caused to bee served the said privie seale by a ticket out of the said privie seale, of one Richard Mason of Oliwestrie in the said countie of Salop gentleman, to appeare in this hon. Court Octabis Trin last, whereas the said Rich. Mason is not made a Defendant in the said Information, and was not so named in the said privie seale, when the same went forth of this hon. Court. And forasmuch as all offences done in or to this honor. Court of W. and L. are punishable in that Court, and forasmuch as the wilfull razure aforesaid deserveth sharp and severe punishment, to the example of all ill disposed persons, May it therefore please your honorable L. the premisses considered, to grant the Kings Ma. writ of privie seale to the said Tho. Hanmer, thereby commanding him to appeare and answer to premisses, &c.

To the right ho. the L. high Treasurer of England, &c.

A Petition to the Master of the Wards, for the Wardship of the bodie and lands &c.

IN most humble wise sheweth unto your good L. your daily Orator E. L. that whereas one M. or D. W. late of Upwell in the countie of Norff. gent. died about two moneths since, being then seised of certaine lands and tenements in the said county, and elsewhere, of the yerely value of x. li. or thereabouts ultr reprisa. And as yet no office found after his death. Now if it may please your ho. to grant unto your said Orator, as well the wardship of the heire of the said D. W. as also a lease of his lands during the minority of his said heire, upon such reasonable consideration as shall seeme good unto your L. (his travell and information for the title respected) which without him will hardly be brought to light: And grant your L o. warant for the same unto the feodarie, &c. Exchequer, or both, as may seeme best to your L. liking, your poore Orator will at his owne costs and charges find an office, and prove a tenure for her Ma. And according to his bounden dutie daily pray unto God for the long continuance of your L. prosperous estate.

A Bill to pray Licence for Trauerſe.

Sect. 10.

HUmbly ſheweth your honour, John Starkie of &c. in Com. Lanc. Gent. That whereas by Inquiſition indented, taken at Lorgan in the ſaid Countie of L. &c. day of Januarie in this preſent xij. yeare of the proſperous raigne of our Soueraigne Lady Queene Eliz. before, &c. Eſcheator of our ſaid Soueraigne Ladie in the ſaid Countie of L. by force of a writ of our ſaid Soueraigne Ladie, of Mandamus, to the ſame Eſchetor directed, to enquire of the death of Hen. Starkie Gent. late of Aighton aforeſaid, in the ſaid Countie of L. deceaſed, it is found & preſented by the oathes of M. G. R. H. Gent. and others to the number of ſixteene in all, that the ſaid H. Starkie your Suppliants ſaid Father, was ſeiſed in his demeſne, as of fee, of and in the manor of Aighton &c. in the ſaid Countie of Lanc. and of and in three meſſ. &c. with the appurtenances in Claughton, in Amoundernes in the ſaid Countie of Lanc'. And that the ſaid Hen. Starkie ſo of ſuch an eſtate died ſeiſed. And that your Orator is his ſonne and heire, and of the age of thirty nine yeares. And that the ſaid meſſu. Landes, tenements, and premiſſes in Aighton aforeſaid, are holden, and at the time of the death of the ſaid H. Starkie were holden of our ſaid Soueraigne Ladie the Queene, as of her Duchie of Lanc. by Knights ſeruice, that is to ſay by the fourth part of a Knights fee. And that the ſaid meſſu. lands, tenements, and premiſſes in Claughton in Amoundernes aforeſaid, in the Countie of Lanc. are holden, and at the time of the death of the ſaid H. Starkie, were holden of our ſaid Soueraigne Ladie the Queene, as of her ſaid Dutchie of Lanc. by Knights ſeruice, that is to ſay, by the fourth part of a Knights fee. Wherein, that is to ſay in the tenures ſo found, the ſaid office is falſe and vntrue: for your ſuppliant doth and will auerre, that the ſaid meſſuag. lands, and tenements in Aighton in Amoundernes, and Claughton, nor either of them, nor any part thereof, are not, nor were not at the time of the deceaſe of the ſaid H. Starkie, holden of our ſaid ſoueraigne Ladie the Queene, as of her ſaid Duchie of Lanc. by Knights ſeruice, nor by any part of a Knights fee, as in the ſaid Inquiſition is, to the great loſſe, preiudice, and hinderance of your ſaid Suppliant, found and preſented. But your Suppliant doth and will auerre and proue to this honourable Court, and ſo will iuſtifie and proue by good euidences, readie to be ſhewed to this honourable Court, That the ſaid meſſu. lands, tenements, and premiſſes in Aighton aforeſayd, at the time of the death of the ſaid H. Starkie, were holden of H. late Earle of Derby, in free and common ſocage: that is to ſay, by fealtie, and

The office hath mannor.

the

the rent of three graines of Pepper. And that the said messuages, lands, tenements, and hereditaments in C. in A. aforesaid, are holden, and at the time of the death of the said L. S. were holden of T. B. of C. in the countie aforesaid Esquire, by fealtie onely. And although your suppliāt being wigan at the time of the finding of the said office before the said Escheator, did set forth his said antient evidences and late offices found according to the said evidences: and also the opinion of his Councell in writing touching the same, that your suppliants lands are holdē in maner and forme afore by your suppliant alleaged; yet the said Escheator R. P. yet feodarie to her highnes of the said Countie, of late, for certaine respects to themselues best knowne, did informe, inhort, and incense the said Jurie, that the said evidences did not prove the said tenures in socage, whereupon the said Jurie did find for her Maiestie, as aforesaid. And forasmuch as the said office so untruly found, doth tēd to the great losse, prejudice, and hinderance of your said suppliant and his heires for ever. May it therefore please your good hon. to grant to your suppliant her Ma. Processe of private seale to be directed to the said E. L. Escheator of the said Countie of Lancaster, and to the said R. P. and to either of them, to shew such matter as they can for her Maiestie to proue the said tenures, that vpon the view of the same and of your suppliant his evidences, your hon. may be satisfied. And then to licence your suppl. for the preservation of right and inheritance to traverse the said untrue office touching the tenures aforesaid. And your suppl. as nevertheless by dutie bounden, shall daily pray to God for the increase of your honour.

An Information for the value of the marriage of a Ward married after the fathers death.

To the right honourable &c.

INformeth your honour T. H. Esquire, her Majestics Attorney of her highnesse Court of W. & L. That whereas one J. H. of F. in the Countie of F. deceased, and R. H. his sonne and heire apparant, were in their life time, or the one of them was lawfully seised in their, or the one of their demesnes, as of fee taile, of and in nine messuages, &c. with the appurtenances in the Townelships, Villages, and Hamlets, of F. L. &c. and in divers other Townes and places within the said Countie of S. and of and in foure acres of Land lately encrochet and taken out of the waste grounds lying in the said Townes, and of and in divers Messuages, Lands, and Tenements, to your said Atturney unknowne. All which premisses, or the most part thereof at the time of the deaths of the said J. H. and R. H. were and still are holden of the Sect. 11.

M. Majestie in capite by Knights service, or otherwise by Knights service, as of some of her highnesse honors or manors. And afterwards the said F. H. had issue J. H. and of such estate died seised of some part of the said premisses, with the appurtenances, the reasons whereof are yet unknowne to the said Attorney. And afterwards the said J. the grandfather, of the residue of the premisses of such estate died seised. By & after whose deceases the same premisses discended and came respectively, as of right they ought to discend and come unto J. H. as sonne and next heire of the said R. H. son & heire of the said J. (which R. died in the life time of the said J. his father) living J. his sonne within the age of xxi. yeres, viz. of the age of five yeres, or thereabouts, at the time of his decease, and at the decease of the said J. the grandfather, of the age of xv. yeres, eight moneths, and xv. dayes or thereabouts. By reason whereof and of the tenures of the said lands, her highnes is or ought to have bin intituled to the custodie, wardship, and marriage of the said J. H. and to the revenues, issues, and profits of the said lands growing due since the decease of the said R. and J. Nevertheless so it is, &c. that the said J. H. C. H. his mother, the late wife of the said R. H. and A. H. brother in law of the said J. the ward, and P. H. have not onely entred and intruded into all and singular the premisses, and the rents and profits thereof taken ever since the deaths of the said J. H. and R. his sonne, and used divers other sinister and indirect practises to defraud her Ma. of the said wardship, but have maried the said ward since the decease of the said R. and have gotten into their hands and possessions all or the most part of the deeds, charters, and evidences late the said J. and R. H. touching or concerning the premisses. By which the certaintie of the said J. and R. his estate and her Ma. title and tenure might appeare, by means whereof, and of concealing the forsaid evidences and writings, a sufficient office cannot be prepared & found for the intituling her M. to the forf. and value of the marriage of the said J. H. and profits of his lands, without sight and perusall of the said evidences, deeds, and charters: may it therfore please your hon. the premisses considered, to grant her M. most gracious writ of privie seale, which a duc' tec' there to be contained, to be directed to the said J. H. his mother H. & P. H. cõmãding thẽ therby at a certaine day, & under a certain pain therein to be limitted, personally to be and appeare before your hon. then and there to answer the premisses as well touching the value and marriage of the said J. as the profits of the lands late of the said J. H. the grandfather, and R. the son, by them received, and grew due to her H. since the deaths of the said J. H. and R. H. but also to bring with them all and singular the deedes, charters, escripts, muniments, and writings they have or can lawfully come by any way, touching or concerning any the said messuages, to the end the same

same may be perused on her Majest. behalfe for the preparing and finding of an office for her Majestie &c.

An information for the title of an Advowson of a Wards lands.

MOst humbly enformeth your ho. T. H. Esquire &c. for and on the behalfe of E. S. and M. S. daughters and heirs of T. S. late of B. in com̃ Wigorñ gent. deceased. That whereas the said T. S. being in his life time among other things lawfully seised in fee of and in the advowson of the Parish Church of F. F. in the said Countie of W. died thereof so seised holding certain of his lands of her Ma. by knights service in Capite, by and after whose decease aswell the said advowson as other the said lands whereof the said T. S. died seised, did descend and come as the same of right ought to descend and come unto the said E. S. and M. S. his said daughters and heires as by office thereof found at P. in com̃ W. the 16. day of Jan. anñ. 36. E. returned into her highnesse Court of Chancery, & there remaine of Record, and from thence transcripted into this most ho. court (whereby the said premisses are particularly found) may appeare. By force whereof her Majesty is lawfully possessed of the wardship of the body and lands of them the said E. & M. as to her highnesse prerogative & meere right appertaineth, & whereas the said Church of F. F. being lately become void by the death of T. W. the last incumbent there, whereby it doth appertaine to her Majestie to present to the same Church, and accordingly her Majestie by the master of this Court, hath in right of the said wardship presented one G. S. Clerke to the said Church, yet so it is right hon. that one R. S. of B. in the said countie of W. Esquire, having by casuall or unlawfull meanes gotten into his hands or possession the evidences, charters, and writings which concerne the inheritance of the said advowson, of right belonging to her Ma. said wards by colour of having of the said evidences, doth pretend title to the said advowson & to this presentation in his owne right, & doth goe about not onely to defeat & deprive her M. of her right to this presentation of the same Church, but also the said wards of their inheritance therein, and to that end & purpose hee the said R. S. hath of late dealt with one A. L. gent. who was heretofore the only dealer & procurer of the said office to bee found, and was imployed, and followed all matters concerning the same for and in the behalfe of the said wards, & had all such writings, & evidences, as concerned the inheritance of the said wards, delivered by their friends into his hands, custody, or possessiõ, for the better effecting & prosecuting thereof, & did thereupon shew forth & produce very sufficiẽt & pregnãt proofe & matter to the jury that the said T. S. died seised in fee of the said advowson, & the same did after his death accordingly discend & come to the said wards, & yet now sithence upon the said cõbination which the said R. S. & upõ some secret com-

Sect. 7.

compoſition betweene thē he the ſaid A. L. hath deliuered all or the moſt part of the writings & euidēces into the hāds & poſſeſſiō of the ſaid R. S. And doth now giue out that the inheritance of the ſaid aduowſon doth of right belong vnto him the ſaid R. and doth animate & encourage the ſaid R. L. thereunto, and doth goe about and endeauour to maintaine his right & title in and to the ſame againſt the ſaid Wards, albeit he the ſaid A. L. doth well know that the ſaid T. S. died ſeiſed thereof accor-ding to the ſaid Office, and that the inheritance of the ſame ought of right to diſcend and come to the ſaid E. and M. S. as daughters and heires of the ſaid T. And further maintaining of the ſaid pretended right, he the ſaid R. S. hath dealt with one H. D. Clerke, who at the firſt alſo after the death of the ſaid late incumbent, acknowledging her Maieſties right of preſentation to the ſaid aduowſon in the right of the ſaid Wards, did procure vnto himſelfe a preſentation from her Maieſt. by the right honorable the L. Keeper of the great Seale of Englād. But now through the perſuaſions of the ſaid R. S. he the ſaid L. D. hath re-nounced the ſame former preſentation from her Ma. and hath taken a new preſentation thereof from the ſaid R. S. and by colour thereof ſee-keth to be inſtituted and inducted in and to the ſaid rectory vpon the ſaid preſentation from the ſaid R. S. And doth acknowledge and affirme the ſaid R. S. to be patron thereof, and to haue the ſaid right & inheritance of and in the ſaid aduowſon, and now denieth both her M. right of pre-ſentation thereunto, and the inheritance of the ſaid Wards, contrarie to all Law and Equitie. In tender conſideration whereof, and foraſ-much as the preſentation aforeſaid, made by the ſaid R. S. tendeth to her Ma. great preiudice in her manifeſt & iuſt right to the ſame imme-diate preſentation to her Highneſſe belonging, during the minoritie of the ſaid Wards, & that her Maieſty is not onely thereby like to loſe the benefit thereof, but alſo the ſaid Wards, their inheritance of the ſaid aduowſon. And for that all the poſſeſſions, rights, and inheritances of her Highneſſe Wards, are within the ſuruey, order, rule, gouernment, and iuriſdiction of this hon. Court, & are here properly to be heard, exa-mined, iuſtified, and ordered. May it therefore pleaſe your honour to grant her Maieſties moſt gratious Writ of priuie Seale to be directed to them the ſaid R. S. A. L. and H. D. commanding them thereby & either of them at a certaine place and vnder a certaine paine therein to be limitted, perſonally to come and appeare before your Honour in her Maieſties ſaid Court of Wards and Liueries, then and there to make anſwer to the ſaid premiſſes, and to ſtand to and abide ſuch order and direction therein as to Iuſtice appertaineth.

An Information for the reliefe of an Administrator of the Ancestor of the Qu. Wards.

To the right honorable Sir R. C. Knight, principall Secretarie to the Queenes most excellent Majestie and one of her Highnesse most honorable privie Councell, &c.

Sect. 14.

I Informeth your Honor, T. H. Esquire Attourney generall of her Majesties said Court of Wards and Liveries, That where A. C. widow, late wife and administrator of R. C. deceased, did stand indebted to the Queenes most excellent Majestie in divers summes of money in her Highnesse Court of Wards and Liveries, that is to say in the summe of 360. li. for the fine of the mariage of R. C. her Majesties Ward, sonne and heire of the said R. C. deceased, in the summe of 110. li. for the fine of a Lease to her the said A. C. by her Highnesse grant of the lands of the said R. C. her Majesties Ward. And where T. P. late of D. in the countie of B. Esquire deceased intestate, did stand bound by their severall Obligations to the said R. C. deceased, that is to say, in two thereof of 500. li. a peece, and the third of 200. li. as by the said severall Obligations, two whereof doe beare date the first day of June, in the two and fortieth yeare of her Majesties most gratious raigne, and the third, the first day of June, in the said two and fortieth yeare of her Highnesse said raigne, which said three severall Obligations were forfeited by the said T. P. to the said R. C. deceased, whose administrator the said A. C. is, as aforesaid, and where her Majestie was contented and pleased to accept and take the said three severall Obligations by assignement from the said A. C. for and in lieu toward the speedier and more readie payment and satisfying of the said summe of money so due unto her Majestie by the said A. C. and the said A. C. did thereupon for the full satisfaction and payment of the said summe so due unto her Highnesse by her deed in writing under her hand and seale, and record in the Court, as in such like cases hath beene used, grant, assigne, and set over unto our said Soveraigne Lady the Queenes Majesty, her heires and successors, the aforesaid three severall obligations. And all the said debts, and summes of money thereby due unto her the said A. C. as administratrix of the goods and chattels of the said R. C. her late husband deceased, which said assignement was allowed and accepted of by order and decree of this Court, made the twelfe day of Februarie, in the three

and

and fortieth yeare of her Majesties raigne. And the said T. P. died intestate before he did satisfie or pay any part of the said summes in the said severall Obligations mentioned, to bee assigned as aforesaid, to our said Soveraigne Ladie the Queenes Majestie. Now so it is if it may please your Honour. That the sayd T. P. at or neere about the time of his decease, was seised of divers and sundry Mannors, Lands, Tenements, and Hereditaments in the said Countie of B. and in other places within the Realme of England, the certaintie whereof her Majesties said Atturney doth not know which were verily meant and intended by him the said T. P. should be sold, or otherwise disposed of, for the payment of his debts, & especially of the said debts were due to the said R. C. and assigned to her Majestie, as is aforesaid, and also was likewise possessed of plate, jewels, ready money, houshold-stuffe, cattell, and horses, and of divers and sundrie other goods and chattels of the value of three thousand pounds, or thereabouts, the particulars whereof, her Majesties said Atturney doth not know, all which were liable to and for the payment of the said debts of the said T. P. All which said Mannors, lands, Tenements, and hereditaments, are since the decease of the said T. P. by vertue of some conveyance in trust, made by the said T. P. deceased, to the purposes and uses aforesaid, come to the hands and possession of P. the elder, now of D. in the said countie of B. Esquire, father to the said T. P. deceased, E. P. of the middle Temple London Esquire, L. D. of London Esquire, W. M. of London Merchant, T. P. the younger, Esquire, sonne and heire of the said T. P. deceased, R. P. of D. aforesaid Gentleman, and G. F. of in the Countie of B. aforesaid, or of some of them, who have entred into the said Lands, Tenements, Mannors, and hereditaments, and have and doe still convert the profits thereof to their or some of their owne uses. And also all and every the said plate, jewels, ready money, houshold-stuffe, cattell, horses, & other goods and chattels of the said T. P. deceased, come to the hands of the said T. P. the elder, E. P. L. D. W. M. T. P. the younger. R. P. and G. F. or to some of them, who without any administration to them or to any of them committed, have and doe still convert the whole benefit of the said plate, jewels, and other the goods and cattels aforesaid, to their or some of their owne proper uses: and whereas the said T. P. was a little before, and neere the time of his decease, in speech and communication with the said W. M. for a marriage to be had and solemnised betweene the said T. P the yonger, then sonne and heire apparant of the said T. P. deceased, and M. the daughter of the said W. M. for which there was agreed to bee payd by the said W. M. to the said T. P. the summe of two thousand and five hundred pounds, for the true payment whereof the said W. M. became bound

bound to the said E. P. in the summe of five thousand pound, or some such like summe, the certainty whereof her Majesties said Attorney doth not know, for the payment of the said summe of five hundred pound, at certaine dayes then to come, which bond was made to the said T. P. the elder, E. P. T. D. T. P. the yonger, R. P. and G. F. or to some or one of them in trust, to and for the proper use and behoofe of the said T. P. deceased, his executors and administrators. And forasmuch as the said Mannors, Lands, Tenements, and Hereditaments, plate, jewels, readie money, and other the goods and chattels aforesaid, late the said T. P. are and ought to be in all equity and good conscience liable to and for the payment of the said debt of the said T. P. deceased. And also forasmuch as the said summe of two thousand and five hundred pound, which the said bond was made by the said W. N. was for the proper debt and dutie of the said T. P. deceased, which if it had beene made to the said T. P. deceased, himselfe would have been liable in the hands of the administrators of the said T. P. deceased, for the payment of the said debts assigned, as is aforesaid, to the Q. Majestie. And forasmuch as the certaintie of the said lands, goods, and chattels, are best knowne to the said T. P. the elder E. P. T. D. W. N. T. P. the yonger, R. P. and G. F. or to some of them, and that they can and will declare the truth of all the premisses upon their oaths. And forasmuch as her Majestie is without remedie to recover the said debts assigned to her, as is aforesaid, without the ayde and assistance of this honorable Court, but is like to be defeated thereof, unlesse this Court take some order for some due remedie to bee had therein out of the said goods and chattels, lands and tenements, of the said T. P. according to the trust and true meaning of the said T. P. toward the payment of the debts aforesaid, so due to her Majestie, whereof her Majesties said Attourney doth enforme this honorable Court, and prayeth the ayde and advice of this Court in the premisses. It may please your honour to award her Majesties processe forth of this honorable Court to them the said T. P. the elder, E. P. T. D. W. N. T. P. the yonger, R. P. and F. and every of them, thereby commanding them and everie of them, to appeare in this honorable Court, at a certaine day, and under a certaine paine, in the said Processe to be limitted, then and there to answer the premisses, and to set downe upon their oaths, what Landes and Tenements, goods, chattels, and summes of money which were the said T. P. in the time of his sicknesse whereof hee dyed, or neere the time of his death, or what bils or bonds for debts due to the said T. P. deceased, have come to their or any of their hands, and of what value they were, or either, or any of them, are or then were, and where the same Lands, Tenements, Goods, Chattels, and Debts, doe lye

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and are. And by what title they or any of them doe claime the Lands, Tenements, Goods, Chattels, and Debts, and to what or whose use or uses. And to what trust and confidence, and upon what considerations they or any of them doe claime the same, to the intent that her Majesty may be satisfied of the said sums of money and debts, due to her highnesse, and to abide your honors order therein, as to equitie shall appertaine. And the said T. H. shall pray &c.

An Information for detaining of evidences, and concealing the Tenure of the lands of a supposed Ward.

To the right Honorable Sir Robert Cecill, Knight, principall Secretarie to her Majestie, and Master of her Highnesse Court of Wards and Liveries.

Sect. 15. SHeweth unto your Ho. Thomas Hesketh Esquire her Majesties Attorney of this Court, for and on the behalfe of her Majestie, That whereas one Richard ap Rowland ap Hugh late of Mathaverne in the Countie of Mountgomerie Gentleman, deceased, was in his life time lawfully seised in his demesne as of fee, or fee taile, of and in diverse &c. and of and in other lands, tenements, &c. ut sequitur. And whereas one Rowland ap Hugh late of Mathaverne in the Countie of Mountgomerie Esquire, and Richard ap Hugh his sonne likewise deceased, was in his life time also lawfully seised in his demesne as of fee, or fee taile, of and in diverse manors, messuages, lands, tenements, and hereditaments, with their appurtenances to the same belonging, being in the Commotes, Townships, and Parishes of Arwestlie, alias Arustley, Bevellwik, alias Cavillwik, Mathaverne, Lanworin, Bempes, Pouthey, and Machlloyd, in the Counties of Salop, Mountgomerie, and Merioneth, and of and in other lands, tenements, and hereditaments, with their appurtenances in other places, to her Majesties said Atturney yet unknowne, all, or the most part whereof are holden of her Majestie by Knights service in Capite, or of some of her Majesties Honors, Castles, or Manors, by Knights service onely: And that the said Rowland ap Hugh, and Richard ap Rowland ap Hugh, or the one of them, being of all and singular the premisses so seised, died of such an estate seised, about yeares last past, By and after whose deceases, the same premisses discended and came, as of right they ought to discend and come, unto one Rowland

Rowland ap Richard ap Hugh, then & yet within the age of 21. yeares, as ſon and heire of the ſaid Richard ap Row. ap Hugh, & as coſin and nert heire of Row. ap Hugh (that is to ſay, ſon and heire apparant of the ſaid Rich. ap Row. ap Hugh) ſon and heire apparant of the ſaid Ro. ap Hugh. By reaſon whereof, her Majeſtie is lawfully intituled to the wardſhip of the body and lands of the ſaid heire. But ſo it is, if it may pleaſe your honor (as the ſaid Attorney is informed) That one Rich. Price of Gotharhan in the ſaid Countie of Mountgomerie Eſquire, the ſaid Row. ap Richard ap Hugh, I. Loyd ap David Gentleman, and Reynold Williams Eſquire, Tho. Stanton, and Rich. Smith Gent. have gotten into their hands and poſſeſſion, the deedes, charters, and eſcripts, muniments, and writtings, by which the eſtates and tenures of the premiſſes doe plainely appeare, and doe thereby (and by other indirect practices) indeavour to conceale from her Majeſtie, the ſaid wardſhip, to her highneſſe great prejudice and loſſe, and to the evill example of others, if remedie ſhould not in this caſe be in convenient time had and provided. In conſideration whereof, may it pleaſe your honour to grant her Ma. moſt gracious writ of Private Seale, with a duc' ſecum therein to be contained, commanding the ſaid Rich. Price, Rowland ap Rich. ap Hugh, I. Loyd ap David, Reynold Williams, Thomas Stanton, and Rich. Smith, and every of them, perſonally to be and appeare before your honour, in her Ma. ſaid Court of Wards and Liveries at a certaine day, and under a certaine paine thereinto to be preſixed, and to bring with them thither, and there to deliver all ſuch deeds, charters, evidences, eſcripts, muniments, court rolles, and other writings whatſoever, as are remaining in their or any of their hands or poſſeſſions, or in the hands or poſſeſſion of any other by their or any of their conſents knowledges, or deliverie, which they or any of them may lawfully come by any way concerning the premiſſes, or any part thereof, to the end the ſame may be peruſed by this honorable Court, for the finding of an office for her Majeſtie accordingly.

An Information againſt certaine perſons for unlawfull intruding upon a ſuppoſed Wards Lands, and cutting downe his woods with other waſtes committed.

To the right honourable &c.

Sect. 16. SHeweth and informeth your ho. ſir I. L. Knight, his Ma. Attorney of his Majeſties ſaid court of Wards and Liveries, That wheras John L. Eſquire late deceaſed, was in his life time lawfully ſeiſed in his demeſne, as of fee, of and in divers mannors, lands, and wood-grounds, with their and every of their appurtenances in Newent Boleſdon, alias Bolſdon, Congley, Pattantley, Ottenhall, and Kilcot, in the Countie of Glouceſter and elſewhere, to the ſaid Attorney as yet unknowne. And the ſaid I. L. being of all ſ singular the ſaid premiſſes ſeiſed as aforeſaid, in or about ii. yeares laſt paſt, of ſuch an eſtate therin died ſo ſeiſed, W. L. being his ſonne and next heire, and within the age of 21. yeares, that is to ſay, of the age of yeares, or thereabouts, at the time of the death of his ſaid father. All which mannors, lands, and wood-grounds, or the moſt part thereof, now are, and at the time of the death of the ſaid I. L. were holden of his M. in chiefe by knight ſervice, or otherwiſe by knight ſervice, as of ſome of his Ma. honors, or mannors. By reaſon whereof, and of the ſaid tenure, his Ma. ought to be intituled by office after the death of the ſaid I. L. the father to the cuſtody, wardſhip, and marriage of the ſaid heire, and to the rents, iſſues and profits of all the ſaid premiſſes, for and during his minoritie, and after his full age, untill liverie ſued out of his ſaid Ma. hands, of and for the ſaid premiſſes. But now ſo it is, may it pleaſe your good Lo. as the ſaid Attorney is informed, That E. L. Eſquire, Sir T. E. E. Gent. I. C. and W. I. a Taylor, P. W. alias O. and A. his wife, and divers other perſons, whoſe names are as yet to his Ma. ſaid Attorney unknowne, and which he prayeth may be inſerted in this information, have ſince the deceaſe of the ſaid I. L. the father, by undue meanes gotten into their hands, cuſtodie, and poſſeſſion, all the deeds, writings, and evidences, touching and concerning all the ſaid premiſſes, whereby his Majeſt. ſaid tenure, and title of and to the cuſtody and wardſhip of the body and lands of the ſaid heire doth and may appeare. And by colour thereof, have wrongfully entred and intruded into and upon the poſſeſſion of all the ſaid premiſſes, and the rents, iſſues, and profits thereof, have ever ſince the deceaſe of the ſaid I. the father, taken, perceived, and yet doth take and perceive, and the ſame convert to their owne uſe: and have hitherto by like undue and ſiniſter means, indeavored and gone about to conceale and ſuppreſſe his Ma. ſaid tenure and title, of and to the ſaid cuſtody and wardſhip of the body and lands

lands of the said W. L. the heire. And the said E. L. Sir T. E. E. J. C. R. W. alias D. and A. his wife, & W. J. or not contenting themselves therewith, have since the decease of the said J. L. the father, made and contrived divers & sundry secret estates to themselves & others, of and in the said premisses, and have committed divers great decayings of the houses, and felling and cutting downe divers and sundry woods, and timber trees standing and growing in and upon the said premisses, and wastes and spoyles. And the said R. W. alias D. and A. his wife, as in the right of the said A. or the said A. alone in her widowhood, have commenced suit at the Common law, against the Tenants of the said lands for the dower of the said A. of, in, and out of all the said Lands whereof the said J. L. the father was seised, or died seised, as aforesaid. In consideration of all which premisses, and for that the aforesaid wastes and wrongs doe greatly tend to the prejudice of his said Majestie, and the manifest disherison of his Majesties said ward, & are done in contempt and derogation of this ho. Court, and the jurisdiction thereof. And for that a good and sufficient office cannot be prepared and found after the death of the said J. L. for the intituling of his said Ma. to the custodie, wardship, and marriage of the said W. L. the heire, and to the rents, issues, and profits of all the said premisses, for and during his minoritie, and after his full age, untill liverie sued as aforesaid, without the sight, view, and perusall of the said deeds, writings, and evidences, and the severall answers of the said E. L. Sir T. E. E. J. C. R. W. alias D. & A. his wife, & J. Taylor, had to the premisses. May it therfore please your good Lo. to grant his Ma. most gratious writ of privie seale, with a ducens fecum, to be directed to the said E. L. Sir T. E. E. J. C. R. W. alias D. & A. his wife, and W. J. taylor, and to every of them, commanding them and every of them thereby, at a certaine day, and under a certaine paine therein to be limited, personally to be and appeare before your good L. in his Ma. said court of Wards and Liveries, then and there to answer the premisses, and to set downe upon their oathes, what deeds, writings, and evidences, touching or concerning all or any the said premisses, have at any time come to their hands, custodie, or possession, or to the hands, custodie, or possession of any other person or persons whatsoever, by their deliverie, consent, or procurement. And also what estate, title, or interest, they or any of them have, or pretend to have, of, in, or unto all or any the said premisses. And to stand to, and abide such further order and direction touching the same, as to your good Lordship shall seeme most agreeable to justice and equitie. And also to grant his Majest. most gratious writ of Injunction, to bee directed to the said E. L. Sir T. E. E. J. Coucher. Woodhull, alias Odell and A. his wife, and Jenken Taylor, their servants and workemen

men, and to every of them, joyning them thereby to ſtay & ſurceaſe from cutting or felling downe any of the woods or timber trees ſtanding or growing in or upon the ſaid premiſſes, and not to carrie away from the ſaid premiſſes any woods or timber trees which are alreadie felled and cut downe. And alſo to be directed to the ſaid Woodhull, alias Odell, and Anne his wife, their Councellors, and Attornies, and ſolicitors, and to every of them, injoyning them and every of them thereby to ſurceaſe & ſtay from further proceeding in the ſaid ſuit cõmenced by the ſaid Woodhul, alias Odel, and Anne his wife, againſt the tenants of the ſaid lands as aforeſaid, untill they have anſwered this Information, and this hon. Court taken further order therein.

A Bill for the deliverie of a Releaſe, and other Evidences into the Court to preſerve the inheritance of the heire.

To the right Honorable, &c.

Sect. 17. SHeweth unto your hon. Lo. your humble ſuppliant H. C. Eſquire, That whereas John Quick of the Parish of S. James neere Taunt, within the Coũty of Somerſet, was in his life time lawfully ſeiſed in his demeſne as of fee, amongſt divers other lands, of and in certaine lands, tenements and hereditaments, lying and being in Eaſtpennard within the countie of Somerſet aforeſaid, and ſo being ſeiſed, about 7. yeares laſt paſt, for divers good cauſes & conſiderations thereof, did inſeoffe Thomas H. Eſquire, John C. Eſquire, Edmond H. Gent. Roger Ch. Gentl. Thomas G. and William Collard, to have and to hold for them, their heires, and aſſignes for ever. By force of which feoffement, the ſaid feoffees were of the premiſſes jointly ſeiſed to them and their heires. And ſo being ſeiſed, the ſaid Edmond Huddle, ſhortly after died, and the ſaid other Feoffees aforeſaid, them held in the premiſſes by right of ſurvivour. And the ſaid Thomas Mallet, John Coles, Rob. Chap. Thomas Gib. and William Collard, ſo beeing jointly ſeiſed to them and to their heires, the ſaid John Coles, Robert Chaplin, Thomas Gibbon, and William Collard, by their ſufficient deede in writting, did remiſe and releaſe unto the ſaid Thom. H. their joint enfeoffee, and his heires, all their right and title, in and to the aforeſaid Lands, Tenements, and Hereditaments, in Eaſtpennard aforeſaid in his demeſne, as of fee, and ſo beeing ſeiſed, of ſuch eſtate dyed ſeiſed about halfe a yeare laſt paſt, after whoſe deceaſe, the ſame diſcended and came, as it ought, to diſcend

diſcend and come unto Wallet, his ſon and next heire, being at the time of the deceaſe of his ſaid father of the age of five yeares or thereabouts, by reaſon whereof, and for that the ſaid lands, tenements and hereditaments, are holden of the Queenes Majeſtie, by knights ſervice in chiefe, as by diverſe Records ready to be ſhewed to this hon. Court doth and may appeare: the cuſtody, wardſhip, and marriage of the body and lands of the ſaid Wallet of right appertaineth to her highneſſe. But ſo it is, if it may pleaſe your good Lo. that J. C. Eſquire, R. Chapl. Gent. Tho. Gibbons, and William Collard, have gotten into their hands and cuſtodie, the aforeſaid deed of releaſe, whereby the lands, tenements, and hereditaments in Ealtpennard aforeſaid, were aſſured unto the aforeſaid T. W. and his heires, pretending by having and keeping the ſaid releaſe, that the right and title of the ſaid Ward, in and to the aforeſaid lands, tenements, and hereditaments, ſhould no way appeare, but be concealed, to the defrauding of the Qu. Majeſtie, and to the diſheriſon of the ſaid Ward, if ſpeedie remedy be not therein provided by order of this honorable Court. And alſo have likewiſe gotten into their hands divers other deeds, indentures, and writings, concerning the ſaid lands, of right appertaining to the ſaid Ward. In conſideration whereof, and foraſmuch as your ſaid ſuppliant cannot proceed further to intitle her Ma. by office unto the ſaid lands, without ſight or having the ſaid deed of Releaſe, and other deeds, and evidences aforeſaid: It may therefore pleaſe your good Lo. to grant the Qu. Majeſties writ of private Seale, to be directed unto the ſaid J. Coles, Roger C. W. Gib. and W. C. commanding them, and every of them, immediately upon the ſight thereof, not onely to appeare in this hon. Court to anſwer the premiſſes, but alſo to bring with them the ſaid deed of Releaſe, made by them unto the ſaid Tho. Wallet, father of the Ward, and alſo the ſaid writings, deeds, and indentures aforeſaid. And further to ſtand to and abide ſuch order & direction concerning the premiſſes, as to your good Lordſhip ſhall ſeeme moſt meet and convenient. And your ſaid ſuppliant alſo prayeth proceſſe againſt &c. immediatly to appeare in this Court, to anſwer ſuch Interrogatories concerning the premiſſes, as ſhall be exhibited againſt them at their comming, in the behalfe of the ſaid Ward.

A Supplication not to have the bodie of a Ward disturbed, untill the truth of the office may be examined.

Sect. 18. IT pleased your honor in the end of the last Terme to grant a Commission to enquire after the death of Hugh Bostock within the countie of Chester. By vertue whereof an office is found and returned for the Queenes P. whereby the sonne and heire of the said H. is claimed to be in ward to her highnesse, and granted by your honor unto one of the sonnes of my Lady N. who hath sold him over unto one Walter G. for that the said office was very indirectly found and gotten, in that the Commissioners there sitting, utterly rejected, and would not suffer any evidences to be given or shewed forth for the Infant, as also received the verdict of the foreman of the Jurie, the rest of the Jurors, or the most of them not consenting, but denying their assent thereunto, as is manifestly to bee proved: and for that in truth the Infant ought not to bee in Ward to her highnesse, as by his Evidences may plainely appeare.

My humble suit unto your good Lordship, on the behalfe of the said Infant is, that his body and lands may not any way bee disturbed by such title of wardship, untill the truth of the tenure and proceedings may be examined in the Court of Wards, where I have prayed licence to traverse and avoid the said office so found as aforesaid, which shall bee prosecuted with all speed and effect.

An Injunction to avoid possession upon a Lease.

Sect. 19. WEe will and command you and every of you, all excuses & delaies set apart, forthwith upon the receit, sight, or knowledge hereof, to avoid from the possession and occupation of one capitall messuage or tenement called Bromny, with certaine houses there standing, 120. acres meadow, 100. acres pasture &c. with the appurtenances in our countie of Caermarthen, being found by office to bee parcell of the inheritance of Wil. ap Morgan, sonne and heire of Morgan ap Dd. amounting to the summe of 117. li. xii. d. and the same Lands in our hands and possession doe yet continue, for lacke of Liverie to bee sued of the same out of our hands by the said William ap Morgan. And that you, and every of you, doe permit and suffer Evan ap Howell, Mayor or Farmer thereof, and his assignes, quietly to have, hold, occupy, and enjoy the same premisses, and every part thereof accor-

according to the tenure of our debice and grant to him thereof made, under the seale of our Court of Wards and Liveries, bearing date the third of this moneth of June, without let, molestation, denial, or interruption of you, or any of you, or any other by your means, assent, or procurement. Or else that you and every of you be and personally appeare before the Master and Councell of our said Court at Westm. the third day of July next comming, then and there to answer unto all such matters as shall be objected against you and every of you on our behalf. And faile you not, &c. given, &c.

An Injunction to stay from cutting downe of Woods.

WE will & command you and every of you, all excuses & delayes set apart, to bee and personally appeare before the Master and Councell of our Court of Wards & Liveries at West. O& Hill' next comming, then and there to answer to all such matters as shall be objected against you and every of you by E.D. And further, that you & every of you from henceforth do surcease to fell, cut downe, or carry away, or cause to be felled, cut down, or caried away any woods or underwoods standing, growing, or being in and upon one parcell of wood ground called Roots, in our Countie of Salop, late the lands of J.B. Esquire deceased, untill you shall receive further order therein from the Master and Councell of our said Court. And faile you not the accomplishment hereof, upon paine of you and every of you 200. li. Given under the seale of our said Court the 13. day of June in the 32. yeare of our raigne. Sect. 20.

Alia forma.

WE will &c. forthwith upon sight, knowledge, or receit hereof, to surcease and stay the cutting, felling, and carrying away of any timber wood, or underwood, in or out of Acreton wood, called Brother Croft, within our countie of Line, being parcell of the lands & possessions of Tho. G. ward, untill you shall receive further order from the Master and Councell of our Court of Wards and Liveries concerning the premisses, not failing, &c. Given, &c.

A Bill for an Injunction to avoid from Land found by office.

To the right Honorable, &c.

Sect. 21. HUmbly sheweth unto your good Lo. Jane W. Committee of Richard W. her Highnelle Ward, That whereas it appeareth by office taken after the death of George Hernie, father of the said Ward, that the reversion of the manor of Pinkfield, with the appurtenances within the Countie of Glouc. did discend unto the said Ward after the death of his father, and that one Katherine L. was Tenant for terme of life of the said manor, the reversion whereof to the said heire. And whereas the Mu. Pa. by Indenture under the Seale of her Highnelle Court of Wards and Liveries, dated the 1. day of December in the xvii. yeare of her highnelle raigne, hath among other things demised to the right honorable Rob. Earle of Leic. the said manor of Pinkfield, with the appurtenances within the said Countie of Glouc. to have and to hold from the death of the said Katherine during the minoritie of the said heire, yeelding and paying therefore yearely, as in the said Indenture ready to be shewed unto your good Lordship more at large appeareth. The state and interest of which said right honorable R. Earle of Leic. of and in the said manor with the appurtenances, is by good conveyance in law, assigned unto your said Suppliant. And whereas further, since the said conveyance and assignement made, that is to say, the fourth day of May, in the xlv. yeare of the raigne of our Soveraigne Ladie Q. Eliz. the said K. Lingen being tenant for terme of life of the said manor, with the appurtenances is deceased, whereby the said reversion is discended in possession to the said Ward, and so belongeth unto your Lord. said Suppl. by vertue of the assignement aforesaid. But so it is right hon. that one R. H. of Pinkfield in the sayd county of Glouc. of his owne wrong, and without any title, hath not onely entred into the said manor of P. with the appurtenances, and expulsed your Suppliant and with divers riotous and disordered persons, doth detaine and keep the possession thereof against your said Suppl. But also during his said wrongfull possession, hath cut downe great store of Timber trees growing upon the premisses, and them carried away and converted to his owne use. And yet ceaseth not to continue the said spoile and waste, together with his wrongfull possession in the said manor, to the great, prejudice and disheritance of the said Ward, and hinderance of your said Suppl. who ought to have the possession of the said lands, by vertue of the lease thereof, unto the right hon. Rob.

Earle

Earle of L. as aforesaid, and the assignement of the said Lease unto your said suppliant, made as aforesaid, and so much the rather for that the same lands are found by office to appertaine unto the said Ward in possession after the death of the said R. In consideration whereof, it may please your good Lo. to grant the M. Majesties writ of Injunction, to be directed unto the said R. H. and all other persons, to avoid from the possession of the said Manor of M. with the appurtenances, and to permit your said suppl. quietly to have and enjoy the same during the minority of the said Ward, according to the grant aforesaid to her thereof made. And further to prohibit them and every of them not to fell or carry away wood or timber trees, growing or being upon the premisses, untill further order shall be taken by your good Lo. and your said suppl. shall daily pray for your honor.

A Bill of Complaint for an Injunction to stay a suit at the Common Law.

To the right Honourable, &c.

SHeweth unto your good Lordship P. D. Esquire, That whereas the custodie, Wardship, and marriage of T. H. sonne and heire of T. H. Esquire deceased, was about five yeares last past, by the Master and Councell of this honorable Court, granted unto your said suppl. and whereas your said suppl. hath by one Indenture covenanted with the said Master and Councell, amongst other things, that if at any time during the minority of the said T. any strip, waste, spoile, disorder, or incrochment be done or made upon the inheritance of the said Ward, or that any hurt or hindrance is intended, or may any way grow unto the said Ward during his minoritie: that your said suppl. forthwith upon knowledge thereof had, should certifie the same unto the said Master and Councell, and prosecute forth their order for reformation thereof. And whereas the said T. H. yet being within age, is lawfully possessed of forty acres of Inmarsh, called Lynwoods, and forty acres of outmarsh called Lynwoods Outmarsh in Monden within the Countie of Esser, for terme of divers yeares yet to come, of which said premisses one Richard Clerke is also fermour unto the said Ward. So it is right Honorable, That one Thomas Lodge pretending title to the said foure score acres of Marsh in Monden aforesaid, hath lately brought an Ejectione firmæ in her Majesties Court, commonly called the Kings Bench, against the said Richard C. for the lands which he holdeth as aforesaid, pre-

Sect. 22.

pretending by some feigned title to recouer the said lands against the said R. C. to the great losse & hindrance of the said wards being within age, and so unable to defend the same. If speedie remedie and redresse be not prouided by your good L. It may therefore please your ho. Lo. the premisses considered, to grant her Ma. writt of Injunction to be directed to the said M. L. his Councellors, Attornies, &c. and euery of them, commanding them &c. thereby under a certaine paine therein to be limitted, to surceasse any further to proceed or call upon the said suit. And your said supplicant shall, &c.

A Bill of petition unto the Court of Wards for the continuance of the tenure of Liverie.

To the right Honorable Sir W. C. of the most noble Order of the Garter Knight, Lord high Treasurer of England, and Master of her Majesties Court of Wards and Liveries.

Sect. 23. BEseecheth & praying your good Lordsh. H. Earle of H. that whereas the said Earle tendred his Liverie unto your good Lo. the 28. of September, in the 18. yeare of the raigne of the Queens Ma. that now is, for all the manors, lands, tenements, and hereditaments, which descended unto him after the decease of E. late Countesse of H. as son and heire unto the said Countesse, the which was granted to him by your good L. for foure moneths. The prosecution whereof the said Earle earnestly labored, but yet for the want of the deeds & evidences of most of the said Manors, he could not in that time proceed, for without them the tenures and estates of the said Manors could not be found. In consideration whereof a further continuance of the said tender was granted unto the said Earle untill the Utas of this Terme. And now forasmuch as the said Earle could not by any wayes or meanes get the said deeds and evidences in convenient and fit time for the prosecution of the said Liverie, for that the said Countesse had by occasion of divers Suits in law touching the said Manors, delivered them into the hands of divers and sundry persons, whereof many were to the said Earle unknowne. May it therefore please your good L. that forasmuch as without the said deeds and evidences, the said Earle could not without prejudice aswell to her Majestie as to himselfe, goe forward in the prosecution of his said Liverie, to grant unto the said Earle that he may continue his tender thereof untill the fifteenth of S. Michaell next following.

A Letter to a Nobleman to appeare and answer to a Bill in the Court of Wards after not answering upon a former Letter.

AFter my heartie commendations to your good Lordship, whereas there was a letter frō me directed unto your Lo. in Trinity terme last, desiring your Lordsh. to send your Solicitor or some of your counsell to take out a copie of a bill or information exhibited against you before me, in his Ma. Court of Wards and Liveries, on the behalfe of T. M. whereunto your Lo. was also required to have made answer in the beginning of Michael. Terme last, whereby the cause might receive such speedie triall as to Justice appertained, and for that I am informed that your Lo. hath not accomplished the premisses, these are therefore eftsoons to require you forthwith to do the same, or otherwise to signifie the cause of your stay and refusall in that behalfe, And so I bid you heartily farewell, in her Majesties said Court, the ninth day of Januarie 1606. Sect. 24.

An Information against an Officer at Armes, for pulling downe and defacing the Coate Armor, &c. remaining in a Cathedrall Church belonging to the father of a Ward &c.

To the right Worshipfull Sir W.C. Knight, Master of the Kings Majesties Court of Wards and Liveries.

IN formeth your Mastership, Sir J. L. Knight, his Ma. Attorney of the same Court, on the behalfe of J. G. Esquire, his Ma. Ward, son and heire of sir W. G. late of B. in the countie of ꝑ Knight, deceased. Whereas by Inquisition taken after the death of the said sir W. G. &c. setting downe the substance thereof, as by the said Inquisition returned into his Ma. high court of Chancerie, and there remaining of Record, and from thence transcripted into this hon. Court more at large appeareth. And the Kings Ma. being of the Wardship of the body and lands of the said J. G. so as aforesaid seised, & to the same lawfully interessed, by consequence whereof the marriage of the said Ward without disparagement belongeth to his Ma. of common right, and consequently is and ought to bee so much the more for his Majesties profit and advantage, by how much hee the said Ward is a Gentleman generously discen- Sect. 25.

discended of antient families and of noble parentage: Yet so it is, that one R. Saint George calling himselfe Northroy alias Norroy by his office at Armes, B.H. and E.B. or some one of them, by the privitie & consent of the rest, have of late since the said Inquisition found, that is to say, in and about the second day of Sep. last past, entered into the cathedrall Church of Minster in the citie of Y. and then and there most unjustly pulled downe and defaced the Coat armor, Crest, Penons, & other the lawfull and approved Ensignes of Gentrie of the said Sir W. G. Knight, and which are from him lawfully discended to his Pl. said Ward, not onely to the said Wards great disgrace & impeachment in his marriage, and consequently to the Kings manifest prejudice that way, but also to his the said Wards losse & damage of C.li. at the least bestowed at his fathers funerals, upon the said N. alias Saint G. B. H. and E. B his deputie or deputies in those parts, for publishing of Ensignes of Armorie at such times, and other services of that kind, and for tricking, coloring, preparing, and setting of them up in the place where they lawfully stood. In tender consideration whereof, and forasmuch as his Pa. will not by the Law of his Kingdome disparage his people of whom he is the Soveraigne and generall Governor and Protector, and consequently may not dispose of his said Ward in marriage with a Gentlewoman, unlesse the said Ward be by discent also a Gentleman, and consequently cannot make that benefit of his marriage with a merchant, Artificer, or Yeomans daughter, as with a Gentlewoman. And forasmuch as the said Saint G. alias N. hath by this his action greatly hindered the estimate of the said Wards marriage, and so much the more impeached the meanes of his advancement thereby, by how much hee is an officer at Armes, and hath done the said wrong by vertue and color of his Office: And forasmuch as this hono. Court is ordained & established for the justifying and relieving of his Majesties Wards in all things that shall touch or concerne them, as well in their persons as in their lawfull meanes of preferment, as this doth, as in their lands and possessions. It may therefore please your Masterhip, the premisses, considered, to award his Majesties most gratious Processe of privie Seale, to be directed to the said R. Saint G. alias N. alias N.B.H. and E. B. commanding them and every of them thereby at a certaine day, and under a certaine paine therein to bee limitted, personally to bee and appeare before your Masterhip in his Majesties high Court of Wards and Liveries, then and there to answer to the premisses, and to shew cause if they can why he or they should not re-edifie, erect, and newset up the said Ensignes of the Wards gentrie, and abide such further order &c.

A Demurrer, wherein the defendant being charged for money that he had paid upon a bargaine of wood which the plaintifs ſuppoſe to belong to a Ward; howbeit the defendant ſubmitteth himſelfe to the order of the Court, upon the deciding of the cauſe, &c.

THe ſaid Defendant by proteſtation not acknowledging any thing in the ſaid Bill ſurmiſed & alleaged, to be true, in ſuch manner and forme as in the ſame is contained, doth ſay, that foraſmuch as the drift and ſcope of the ſaid Bill doth ſeeme to bee onely to demand money for certaine wood ſold to this defendant, whereto the ſaid Complainants did intitle themſelves under or by the vertue of a Leaſe made thereof by her Maieſties Councell of this honorable Court during the minoritie of P. D. now her Maieſties Ward, part of whoſe inheritance the ſaid wood land is ſurmiſed to be, whereupon as this Defendant is informed, the ſaid Complainants may haue good remedie by way of accompt at the Common Law, if their owne allegation on that behalfe bee true, and may by due and ordinarie courſe and accompt at the Common Law recover the price of the ſaid wood, or damages for the ſame, if any hath been ſo taken and bought by this defendant, as in the ſaid Bill is alleaged, doth humbly pray the iudgement of this honourable Court, if he ſhall bee impleaded or ſued for the ſame in this honorable Court, by Bill, ſeeing he may be alſo ſued and impleaded for the ſame at the Common Law, as he is informed by his Counſell, and yet nevertheleſſe, if it ſhall ſeeme fit to this honorable Court to determine the ſayd cauſe, and to put this defendant to any further anſwer, the advantage to the incertaintie and inſufficiencie of the ſaid Bill, now and at all times to this defendant ſaved, for further anſwer, and for more full ſatisfaction of this honorable Court touching ſo much of the ſayd Bill as concerneth him this defendant, he ſaith and freely confeſſeth, that hee this Defendant did heretofore about the time in the Bill alleaged, buy of one Maſter Edward Digges in the Bill named, a certaine portion of the ſaid wood in the ſaid Bill mentioned, being about or very neere foure acres, halfe an acre, and halfe a yard, after the price of fiue and fortie ſhilling and eight pence the Acre, comming in all as this Defendant taketh it to bee, the ſumme of tenne pounds and ſome odde money, about fifteene ſhillings and ſome tenne pence. And this defendant doth alſo further ſay, that he payd to the ſaid E. D. and his aſſignes the ſaid full ſumme of tenne pounds two ſhillings and tenne pence, or thereabouts, in full contentation of the ſaid bargaine. Sect. 24.

And

And moreover, this defendant saith, that at that time when this wood was to be sold, he had heard that the said E. D. and one T. D. his brother were in suit for this land, and that the matter was readie to come downe into the countrie for triall, whereupon this Defendant beeing desirous to have part of his wood for his money, and being also willing to know of whom hee might safely buy some part thereof, did enquire how the triall was like to passe, and of whom he might safely buy some of the said woods, and thereupon he did heare of divers, whose names he doth not now remember, that the said Walter E. D. might well and safely make him sale of part of the said wood. And as this Defendant then heard it commonly spoken in the Countrey, it was very likely and the common opinion of most men, that the cause would passe with the said E. or T. D. Uncles to the said Ward for their parts in Gavelkind of the said woods, which moved this defendant to bargain with the said E. D. for the same. And this Defendant utterly denieth that he had ever any warning or knowledge given to the contrarie, as in the sayd Bill is untruly surmised. But this Defendant hath heard, that since the said complainants, or some body for them in their names, hath heretofore exhibited a Bill in this most honorable Court against the said T. D. & others touching this cause, for the money arising of this woodsale, whereunto the said E. D. hath made his answer upon his Oath, (as this defendant hath heard, and therein doth expresly confesse) that he made sale of this wood (now againe drawne into question) and that he hath received money for the same, and sheweth his title to be for that he was in possession of his gavelkind part therein, during the life of his eldest brother T. D. father to the said Ward, and hath not since lawfully beene put from the possession thereof, the which matter this defendant hath credibly heard, and beleeveth to bee true, and doth hope it shall be sufficiently proved when the said complainants will proceed in the said cause upon their said bill. Howbeit that forsomuch as this defendant is a very poore man, and aged, and by reason of his povertie and age unfit to follow suits, and altogether unwilling to enter into any course, to undergoe the charges and expences of trying of the said title betweene the said complainants and the said E. D. he this defendant doth most humbly referre himselfe to the consideration of this most honourable Court touching the premisses, and doth most willingly of his owne accord for his owne quietnesse, offer to put in good assurance to this honorable Court, that if the plaintifes will proceed upon their former Bill, against the said E. D. who hath left sufficient authoritie with his Solicitor to follow the same (as this defendant is informed) that then upon the hearing of the matter the Court shall not rest satisfied that the said E. D. hath good title to hold and detaine the sayd

wood,

wood-money, then if the said E. or his Solicitor, do not within one moneth after, make sufficient satisfaction for the said money so by him received of this def. as is above-said, that then he this def. will forthwith pay the same againe to such person or persons as this Court shall order and direct the same, without that, that any other matter or thing in the said Bill contained, and materiall for this defendant to answer unto, and herein not already nor sufficiently confessed and avoided, traversed or denied, is true, all which matters this def. is readie to averre and prove, as this honorable Court shall award and prayeth to bee hence dismissed, with his costs, and charges in this behalfe wrongfully sustained.

The Rejoynder of Edward Hales Esquire, and Edward Eston Gentleman, to the Replication of Thomas Hesketh Esquire her Majesties Attorney of her Highnesse Court of Wards and Liveries.

THe said defendants say in all things as in their said answer they have pleaded and alleaged, without that, that the said E. E. the father, held of her Majestie in chiefe by knights service or otherwise in chiefe by knights service, land in P. in the countie of S. as in the said replication is alleaged, and with that, that these defendants will averre and prove that the said J. H. mentioned in the said answer and replication had and ought to have the Custodie, Wardship, and Marriage, of the said E. E. one of this defendants, for or by reason that some part of the land of the said E. E. deceased at the time of the death of the said E. were holden of the said W. H. mentioned in the said answer and replication as of his manor of K. and that the said W. H. did as he might lawfully doe, grant the said Wardship of the body and marriage of the bodie of the said E. E. one of the defendants, and his lands so holden of the said H. as in their said answer they have formerly alleaged and set downe, and with that, that these defendants will likewise averre and prove that the said W. H. did make and pretend title to the said Wardship of the said E. E. one of the said defendants, in such sort as in the said answer is alleaged, which matters these defendants are ready to averre and prove, and humbly prayeth as in their said answer they formerly prayed. Sect. 26.

A Demurrer to a Bill for a petition of Traverſe, exhibited by a Leaſe for yeares.

Sect. 25. THe ſaid defend. by protestation not confeſſing or acknowledging any thing in the ſaid Bill of complaint contained, materiall for him the ſaid def. to anſwer unto, to be true, ſaith, that the ſaid bill of compl. is untrue, uncertaine, and inſufficient in the law to be anſwered unto, to the which the ſaid def. ought not, neither is compellable by the law to make any anſwer, for that it doth not appeare thereby that the ſaid compl. hath or had any right, title, or intereſt, either of, in, or to any the ſurveiors tenures found by the ſaid firſt Inquiſition in the ſaid bill of compl. mentioned, or of, in, or to any eſtate of freehold, & inheritance, in any the manors, meſſuages, lands, tenements or hereditaments, in the ſaid Inquiſition mentioned, but that the ſaid tenures, ſurveys, manors, and premiſſes, & part and parcell thereof, at the time of the finding of the Office and Inquiſition, in the ſaid bill of complaint mentioned, which the ſaid compl. by his ſaid bill of complaint, deſireth now licence of this hon. Court to traverſe, were and yet be the freehold and inheritance of others, and that the ſaid compl. hath and claimeth only in a part of the ſaid manors and lands, a terme for yeares, and not any other or greater eſtate, in reſpect whereof, the laws and ſtatutes of this Realme doe not allow any Traverſe for the ſaid compl. For which cauſe and for that H. B. Eſquire, ſonne and heire of the ſaid I. hath exhibited a former bill of complaint into this hon. Court, of the effect and purpoſe of the ſaid complainants bill, is yet depending, whereby the ſaid H. B. Eſquire offereth as the ſaid compl. now doth to maintaine the ſaid firſt Inquiſition, and all the tenures of the ſaid manors thereby found, and therefore deſireth to be admitted to traverſe the ſaid ſecond and laſt Inquiſition, the ſaid def. abideth in law upon the ſaid compl. bill of complaint, and demandeth the judgement of this hon. Court thereupon, and prayeth to be diſmiſſed out of this hon. Court with his coſts for this vexation, without any further anſwer making.

Of

OF THE STARRE-CHAMBER.

THe dignity of this Court is such and so great, as no other Kingdome hath ever erected the like, being without paire or equall: for in the terme time when causes are heard in Westminster Hall, every weeke twice (which is usually on Wednesdayes, and Fridayes, and the next day after that the Terme is ended) the Lo. Chancellor, when any such is, or Lo. Keeper of the great Seale of England, whose authoritie is one and the same (by force of a Statute made Anñ 5. Eliz. c. 18. the Lords and others of the Kings Ma. Privie Councell, the Prime of the Clergie, the Lords & Barons of the Land, which are no Privy councellors (such of them as will) and the Judges, especially the two chiefe of either Bench, doe then and there (during the time limitted for Judges to determine causes, that is, from the houre of 9. to the houre of 11. commonly longer) sit in that Court. And although the hon. sir Tho. Smith knight, late principall Secretarie to the most famous Princes, K. Edw. the 6. & Qu. Eliz. in his booke de Republica Anglorũ saith, it is called Camera Stellata, the Starre-Chamber, because the Windowes and Roofe thereof have been and are adorned and painted with the pictures of Starres, yet emblematically they resemble the body of the Judges of that Court, consisting of persons of great eminencie (such as are before named) being the principall men of the two great Estates of this Kingdome, the Lo. Spirituall and Temporall: The head of which body is our Soveraigne Lo. the King, who when he pleaseth, sitteth there in his owne person: But in his absence, these Judges doe censure and determine all causes there depending, by majority of voices, deriving their light and authority from his Majestie, as the Starres from the Sunne.

That most honourable Sessions of Nobilitie censureth the Oppressions, Quarrels, Cõtentions, Injuries, Routs, Ryots, and unlawfull Actions, perpetrated most commonly by insolent, forcible, and powerfull parties, and no meane persons, against some private subject. It punisheth sundrie other sorts of offences, conspired against his Majesties Person, such as are under the degree of Treason: offendors also against the Persons of the Nobility and States of the Realme, as Scandalum Magnarum, and the like: also Duels and private Challenges made betweene partie and partie, contrarie to his highnes Edicts and Proclamations, and any libellous or seditious speaking or writting against the publike State, or against private persons. Perjuries, Forgeries,

Conſpiracies, Subornations, Maintainance, Champerties, and ſuch corrupt dealings are there likewiſe heard, and the offendors puniſhed. Alſo divers Vſages and Cuſtomes in matters, for the benefit of the Commonwealth, have beene and are there over-ruled: As Orders to bee obſerved amongſt Corporations and Companies: For we read, that a finall decree of this Court made by Th. Wolſie, Cardinall &c. Archbiſhop of Yorke, Primate & Chancellor of England Anñ. 20. H. 8. concerning Artificers in London being ſtrangers borne, that much wronged our native countreymen, was confirmed by a ſtatute made Anñ 21. H. 8. cap. 16. where note, that in the exemplification thereof, the words are Inſpeximus Decretum per Nos & Conſiliũ noſtr̃ in Camera Stellata redditum, intimating that that which is awarded by the Lords there, is done by the King: And therefore all Bils and Informations exhibited there, are ſtiled and ſtiled on this manner, To the Kings moſt excellent Majeſtie.

In this court, the party delinquent is commanded by his Majeſties moſt gracious Writ of Subpœna, under a penaltie therein expreſſed, to appeare & anſwer his offence: who comming & ſeeing (except the preſence of the higheſt our ſaid moſt dread ſoveraigne the King & Prince) as it were the Majeſtie of the whole Realme, placed like Starres for their height of Birth and Authority, although he be never ſo ſtout, hee will be abaſhed, & being called to anſwer (for appeare he muſt, of what degree ſoever he be) the Gravitie, Reaſons, & Remonſtrances of thoſe chiefe Perſonages doe ſo orderly one after another handle the partie offending, as, be his courage never ſo great, his heart will fall downe to the ground: eſpecially if his anſwer bee not the better, they will command him to the Fleete, to bee kept ſometimes in cloſe Priſon, as the Judges ſhall appoint, there to remaine, untill, through the reſtraint of his libertie, & the extraordinary expences which he muſt there ſuſtaine, like one reſting in oblivion, being thus wearied, hee ſhall be glad (after his ſubmiſſion and long ſuit of his friends) to be ordered by reaſon.

Sometimes, according to his deſert, he ſhall be fined to pay a great ſumme of money to the King, beſides his coſts & damages given to the plaintife. Sometimes he is adjudged to ſtand on the Pillorie, to loſe his eares and to have his noſthrils ſlit, in token of his more infamie: and ſometimes his goods are cõfiſcated, & his lands are ſeiſed into the Kings hands, yea, for ſome tranſgreſſions, his houſes and buildings ſhall bee throwne downe, his woods felled, & meadow grounds plowed up, and the greater men ſhall have the greater puniſhment, when they offend, Potentes potenter puniuntur, becauſe it is an old cuſtome to take example from and according to the doings of the Nobler ſort: All which chaſtiſements notwithſtanding, the matter for which hee attempted ſuch crime,

crime is remitted to the Common Law. Therefore this Starrie place seemeth like a bridle to curbe the errors of stout Noblemen and gentlemen that would offer wrong unto any sort of persons, and will not bee content to abide the order of Law, but bee their owne carvers.

Some men have thought that the said Cardinal Wolsie was the first inventor of this most ho. Court, and others deeme that it is of more antiquity, because the most renowned Prince K. H. 7. hath sitten there in his own person: howbeit the said Cardinall much augmented the same, and made it of greater authority than it was before his time of Greatnesse: For he being Archbishop of Yorke, had a speciall eye unto the demeanor and carriage of the Nobility and Gentrie in the North parts, and if he heard of any misbehavior to be by any of them committed, they were sent for, and here compelled to answer their doings before him & others the Peeres and barons of this Realme: and besides that, whereas there were certaine outrages made by those of the better sort, being far from the K. and Courts of justice, and an ordinarie fighting among them, using force as their law, banding to doe and revenge injuries as they listed, in such violent manner, as the most noble Prince K. H. 8. did much dislike the same: After that he had sent for them one by one in this Court, to answer before such hon. persons, when they had received relation of their offence, & bin well disciplined both by words and punishment, suffering some imprisonment, their courage & purse being asswaged, they then began to live in better order.

Finally, to prevent and restrain disordred persons from running into such enormities as much as possible may be, on the last day of sitting in this Court after the Terme is ended, the L. Chancellor or L. Keeper for the time being, usually after a most hon. manner pronounceth a Speech (as a charge given from the K. Majestie) in open audience of the whole assembly (consisting of the better sort of Gentlemen, dwelling in severall Countries of this Realme) exhorting them all to repaire home, and circumspectly to looke to the conservation of the K. Lawes, that the Peace be no way infringed, nor that dissentions, quarels, and menaces be suffered to arise and grow to a head: and that Judges in their circuits, and elsewhere, and all Sheriffes, Just. of P. & other the K. Officers, should likewise be vigilant to performe that which to their charge rightly belongeth, with divers wholsome cautions and councells tending to the tranquility and benefit of this commonwealth. And thus you may a little perceive the use and puissance of this Court: Now followeth an essay of the manner and matter of bills and informations, answers, and demurrers practised in that court, as hereafter may appeare.

A Bill of Petition for a Subpœna out of the Starre-Chamber, exhibited by Sir I. C. against Justice T. as well for divers riots committed by his servants, as also for breaking his Oath, and taking of Bribes: in which is recited the oath of a Justice of the Common Lawes, and his dutie, according to the tenor of two severall Acts of Parliament, made Añ. 18. & 20. E. 3. viz.

To the Queenes most excellent Majestie.

Sect. 1. IN most humble wise complaining, sheweth unto your Highnesse, your daily Orator Sir I. C. &c. That where the said Sir I. C. is seised in his demesne as of fee, of and in the Mannor of A. &c. And he being so thereof seised, inclosed with a hedge the said Mannour of A. and was thereof seised in his demesne as of fee, untill that Sir I. T. your Majesties Justice in your Court Palatine of Chester, and one of your Highnesse Councell in the Marches of W. pretending the title of the said waste sometime to bee in your Highnesse, as parcell of your Honour of Forrest of F. and sometime to be in himselfe and his Tenants, &c. and sometime in the right Honorable Sir H. N. L. A. &c. hath in sundrie wayes molested and troubled your said Orator, his said tenants and servants, not onely by unlawfull meanes, processe, and suits, but also hath many divers and sundrie times forcibly, riotously, and routously plucked up the inclosure of your said subject, and beaten, imprisoned, and cruelly hurt and maymed your said Orator, and servants. For further declaration whereof may it please your Highnesse to understand, that about C. in the third yeare of your Ma. raigne, one T. H. and H. L. by the procurement of the said I. T. pretending your said Orators inclosure to be against right and order of law, did exhibite a Bill into your highnesse court of Requests, where after answer, a Commission was awarded. But the said I. T. mistrusting, &c. did so delay, &c. that your said subject was dismissed out of the said court: after which time your said subject was severally and quietly seised in the said &c. without any manner of interruption, untill that about the second of M. in the yeare of your most happy raigne, certaine persons by the number of an hundred, did unlawfully and riotously assemble themselves in manner of Rebellion in A. aforesaid, and in the night-time did pull downe and cast away the said Inclosure. For which their excessive outrage, the said persons were indicted at E. of an unlawfull assembly and riot committed at A. aforesaid; notwithstanding the

the ſaid Sir I. T. ſent letters in their behalfes, after which ſaid inclo-
ſure, found by the aſſeſſement of the ſaid Sir I. S. T. being Ju-
ſtice of Peace in the ſaid Countie, by his earneſt labour, and the offen-
ders that was indicted of the ſaid notorious rebellion, and unlawfull
aſſembly, were fined at, or under twelve pence, &c. to the great encou-
ragement &c. Whereupon your ſaid ſubject exhibited a Bill againſt the
ſaid riotous perſons before your Majeſty, and your highneſſe coun-
ceil in this moſt honorable Court hanging, which ſuit the ſaid Sir I.
T. treated, and making the cauſe to be his owne, as, and but before any
end &c. A pardon in the yeare &c. whereupon the ſaid Sir
I. T. perceiving his ſaid unlawfull attempt to paſſe thus ſtill unpuni-
ſhed, & ſtill minding to purſue his deadly malice againſt your ſaid ſub-
ject, that if the incloſure aforeſaid were not within dayes &c.
that hee himſelfe, and which was accordingly &c. And thereupon now
of late, in the Tearme of &c. The ſaid Sir I. T. cauſed to be exhibited
in the name of Sir H. P. Knight, unto your highneſſe into this ho-
norable Court a bill of Riot againſt the ſervants unto your ſaid ſub-
ject, pretending that the defendant had forcibly incloſed to his diſtur-
bance of the Common of the ſaid Sir H. N. of &c. as of his mannor of
I. Whereunto when the ſaid defendants had pleaded Not guiltie, the
ſaid Sir I. T. perceiving that his ſaid attempt could not have &c.
taped &c. And although the place where the riot was ſuppoſed to bee
done, bee in the Countie of W. and out of the Commiſſion &c. of W.
where the ſaid Sir I. T. being both Juſtice and partie, the matter
could not &c. hanging, which ſuit about of June laſt, the ſaid Sir
I. T. appointed ſometime one perſon, and ſometime another, ſome-
time divers unknowne deſperate vagabonds, weaponed with &c. as
well by day as by night, to pull up &c. And if it fortuned any of the
ſervants of your ſaid ſubject to diſturbe the unlawfull enterpriſes, and
in defence of &c. they were by divers companies lying in ambuſhes,
and Alehouſes, and aſſailed, and namely &c. Sequitur, miſuſage of his
men. And if any of your highneſſe ſubjects were hurt &c. it were ſome
ſuch as by the procurement of the ſaid Sir I. T. did breake your high-
neſſe peace, in pulling downe the incloſure, abuſing their authoritie
to the furtherance of their unlawfull attempts of the ſaid Sir I. T.
And to the intent the evill dealing, and the miſdemeanors of the ſaid
Sir I. T. may the better appeare unto your moſt excellent Majeſtie,
as well to outrages againſt others your highneſſe good ſubjects, as
againſt Sir I. T. now Complainant: So it is moſt gracious Sove-
raigne Lady, that notwithſtanding the moſt wholeſome lawes and
ordinances ſet forth and eſtabliſhed by authoritie of Parliament by
your Majeſties moſt noble Progenitors Kings of this Realme for the

furtherance and better execution of Iuſtice, for performance whereof all your Ma. Iuſtices of your common lawes of this Realme doe take a corporall oath, the effect of which oath is ſet forth by authority of a parliament in the xviii. yeare of your highneſſe moſt noble progenitor King Ed. 3. that is to ſay, that every Iuſtice ſhall ſweare, That he ſhall ſerve the K. and his people in the office of Iuſtice, And that lawfully he ſhall counſaile the King in his buſineſſe, and that hee ſhall not counſell nor conſent unto any thing which may turne him to damage or diſheriſon by any manner of way or colour. And that he ſhall not know the damage or diſheriſon of the ſaid King, whereof hee ſhall not doe to bee warned by himſelfe, or by ſome other. And that hee ſhall ever doe law and execution of right to all his ſubiects, rich and poore, without having regard to any perſon. And that ſuch a Iuſtice ſhall not take by himſelfe privily nor openly, gift or reward of gold or ſilver, nor of any other thing which may turne to his profit, unleſſe it were meat or drink, and that of ſmall value, of any man that ſhould have any plea or proofe hanging before him, as long as the ſame proofe ſhould bee ſo hanging, nor after for the cauſe. And that he take no fee ſo long as hee ſhall bee Iuſtice, nor robes of any man great or ſmall, but of the King himſelfe. And that hee give none adviſe or counſell to no man great or ſmall in no caſe where the King is party. And in caſe that any of what eſtate or condition came before him in his Seſſions with force and armes or otherwiſe againſt the peace, or againſt the Statute thereof made, to diſturbe execution of the common law, or to menace the people, they may not paſſe the law that he ſhould doe their bodies to be arreſted and put in priſon. And in caſe they were ſuch that he might not arreſt them, that he certifie the King thereof, and of their names, and of their miſpriſonment haſtily, ſo that he might thereof ordaine covinable remedy. And that he the ſaid Iuſtice by himſelfe nor by other privily nor apertly maintaine any part or quarrell hanging in the Kings Court or elſewhere in the countrey. And that hee deny to no man common right by the Kings letters nor none other, nor for none other cauſe. And in caſe any letters come to him contrarie to the Law, that he ſhall doe nothing by ſuch letters, but certifie the King thereof, and goe forth to doe the law notwithſtanding the ſame letters. And that he ſhall doe and procure the profit of the King and of his realme and crowne, with all things where he may reaſonably do the ſame. And in caſe hee were from thence forth found in default in any of the points aforeſaid, hee ſhall be at the Kings will of bodie, lands, and goods, thereof to bee done as ſhall pleaſe him, as by the ſame ſtatute more plainely appeareth. And over and beſides that ſame oath ſo ſet forth by the ſaid noble Prince E. 3. by authority of a Parliament, as is aforeſaid, the ſaid King being greatly

moved

moo'ved in conſcience vnto all his ſubiects. And being bound by oath to ſee due execution of his lawes vnto all men, amongſt other things in the 20. yeare of his raigne, by authority of Parliament be likewiſe eſtabliſhed: That all his ſubiects ſhould doe every right to all people, without more fauour ſhewing more to one than to another. And that they ſhall take neither fee nor robe of any man but of the King. And that they ſhal take no gift or reward by themſelues nor by any other priuily or apertly, of any man that hath to doe before them by any way, except meat or drinke, and that of ſmall value. And that they ſhall giue no counſell to no great man or ſmall, where the King is partie, or which doth or may touch the King in any point, vpon paine to be at the Kings will, lands, body, and goods, to doe thereof as he ſhall pleaſe, as in caſe they doe the contrarie. Notwithſtanding ſuch good, godly, and wholſome lawes, the ſaid Sir I. T. Knight, being conſtituted and made by your Maie. your highnes iuſt. of the countie P. and T. and other parts of W. having receiued the oath, and alſo being learned in your Ma. lawes of this realme. Neither having God, ne yet the dutie of a godly iuſtice before his eyes, but hauing within himſelfe a corrupt mind, and a deſire of vnlawfull getting of another mans goods by vndue meanes, did amongſt other his outrages and corrupt dealings ſince ſuch time as hee was conſtituted your Ma. Iuſtice, as is aforeſaid. And being alſo ſcorned with his Letter with his owne hand vnto one I. P. Eſquire, your Ma. Attorney in the Marches of Wales: the tenure of which ſaid letter inſueth in māner & forme following: After my heartie commendations, &c. I. T. by which ſaid letters it may as well appeare vnto your Ma. moſt excellent wiſdome, as by diuers other his euill demeanors vſed within the compaſſe of his ſaid office, ouer well the ſaid Sir I. T. hath deſerued to bee called to an account for the euill miſdemeanors of himſelf aſwell againſt your Ma. as alſo your highnes good ſubiects, your lawes, and alſo your highneſſe crowne and dignity. In conſideration whereof may it pleaſe your high. to grant to your ſaid ſubiect your moſt gratious ſeuerall writs of Subpœna, to be directed out of this moſt gratious & hon. court to the ſaid Sir I. T. commanding him, &c. before this moſt honor. Councell in the court of Star-chamber, then & there to anſwer, &c. And your ſaid humble ſubiect ſhall daily pray to God for the preſeruation of your Hi. in all felicitie moſt happily long to raigne.

A Bill into the Star-Chamber for a Riot.

To the Queenes most excellent Majestie.

Sect. 2. In moſt humble wiſe ſhaweth and complaineth unto your highneſſe, your ſuppliant and humble ſaithfull ſubiect F. O. &c. That whereas one R. F. of D. within your highneſſe ſaid countie of N. Eſquire, together with John D. did enter and become bounden to your graces ſaid ſuppliant in one Statute Staple, in the ſumme of, &c. for the perſormance of certaine Covenants contained in one paire of Indentures, made betweene your Highneſſe ſayd ſuppliant on the one partie, and the ſaid R. F. on the other partie which ſaid ſtatute Staple was after by the ſaid R. forfeited, for not perſormance of others Covenants contained in the ſaid Indentures, whereupon your ſaid ſuppliant according to the uſuall courſe & forme of the Common Lawes of this your Realme, procured the ſaid Statute to be certified into your Highneſſe Court of Chancerie. And after your highneſſe ſaid ſuppliant purſued forth of the ſaid high Court of Chancerie one Writ to take the bodie of the ſaid R. F. and to extend his Lands and Tenements: which Writ was directed to the Sheriffe of your Majeſties Countie Palatine of Cheſter. Upon the receit whereof the ſaid Sheriffe made and directed his Precept to one W. W. and H. T. and others, jointly and ſeverally for the apprehenſion of the bodie of the ſaid R. F. And the ſaid H. T. one of the ſpeciall Bailifes, by vertue of the ſaid Precept, repayred to the dwelling houſe of the ſaid R. F. within your Highneſſe ſaid Countie of C. And there finding the ſaid R. F. neere the ſaid houſe, the ſaid H. T. by vertue of the ſaid Precept commanded the ſaid R. F. to yeeld himſelfe unto him, and to obey your Highneſſe Proceſſe. But hee the ſaid R. F. being a very riotous perſon, having lived for the moſt part of theſe ten or twelve yeares as an Outlaw, contemning all due adminiſtration of Juſtice, and all Proceſſe that have bin ſued forth againſt him in ſundrie your Highneſſe Courts, by divers and ſundrie your Highneſſe ſubjects, about the twelfth day of October laſt paſt, ſuddenly, and in a great rage, having in his hands all long piked ſtaffe, made a moſt grievous and perilous aſſault and affray upon the ſame H. T. and then and there moſt grievouſly ſoined the ſaid H. T. in the left ſhoulder, that by reaſon thereof hee ſhall never be able to relieve himſelfe. And then and there the ſaid R. F. by the ſupport and helpe of divers his tenants and houſhold Servants in moſt riotous and unlawfull wiſe aſſembled to take his part, R. H. W. R. gave unto the ſaid H. T. many and ſundry other dire blowes and

ſtrokes

ſtrokes upon ſundry parts of his bodie, and in the end by their help and comfort, the ſaid R. F. eſcaped to his dwelling houſe from the ſaid T. & after your Ma. ſaid ſuppl. to his great coſts and charges, was inforced to ſue out of your highneſſe court of Chancerie one other extendi facias directed to Sir I. S. Knight, then high Sheriffe of your Ma. ſaid countie of C. who by vertue thereof ſummoned a Jurie of twentie perſons to appeare before him at a certaine place called T. within your highnes ſaid countie, about the 21. day of Novemb. laſt, to enquire of what lands and tenements the ſaid R. F. was ſeiſed of, the day of the ſaid ſtatute ſtaple knowledged, or at any time ſince. And after the ſaid Jurie being impanelled and ſworne, and evidence unto thē given, found upon their corporall oathes, that the ſaid R. F. was ſeiſed of and in &c. to the cleare yearely value of 40. markes over and above all charges and reprizes, as by the ſame Inquiſition more at large doth and may appeare. And the ſame inquiſition being after put in writing, and ſealed with the ſeales of the ſaid Jury, the ſaid Sir I. S. the Sheriffe of your Ma. ſaid countie, certified & returned the ſame into your Maieſt. high court of Chanc. And immediatly thereupon your highnes ſaid ſuppl. ſued forth of the ſaid high court of Ch. one writ of Libertate, directed to one H. M. Eſquire, then Sheriffe of your Ma. ſaid countie, by vertue whereof the ſaid H. M. about the 22. of Janu. laſt paſt, repaired to the ſaid capitall meſſuage, meaning to have executed your Ma. ſaid writ of Libertate according as he was by the ſame commanded. And then and there finding the outward gates of a certain little court adjoyning to the ſaid capitall Meſſuage faſt barred and ſhut, was inforced to breake open the ſame. And cōming to the doore of the ſaid houſe, knocked at the ſame, and willed them that were within to yeeld unto him the poſſeſſion of the capitall houſe, declaring openly and ſundry times by what authority, and to what intent he was come thither. And this notwithſtanding, and that alſo your Ma. Sheriffe had tarried there moſt part of ſix or ſeven houres, willing thoſe that then were within the ſame houſe to obey your Highnes ſaid writs and authority, yet they nothing regarded the ſame, whereupon the ſaid Sheriffe was enforced with ſuch companie as was then with him, to breake open one of the doors of the ſaid houſe, & ſo to enter into the ſame. And at his comming in, he found there in the ſame houſe in moſt riotous and warlike manner unlawfully aſſembled, T. F. Junior, F. F. R. B. R. L. H. S. &c. and others to the number of 21. perſons, being there put in by the ſaid R. F. to keepe poſſeſſion for him and to his uſe, and by his commandement, having upon them long forreſt bills, piked ſtaves, bow and arrowes, and divers other kinds of unlawfull weapōs, as well invaſive as defenſive, being moſt of them perſons unknown to your Ma. ſaid ſupp. And divers of the ſaid def. being ſent for, and procu-

red

red by the said F. to come out of the shires of L. S. & D. being such men as have no certaine habitation, but wanderers abroad like masterlesse men, whereupon the said Sheriffe after much time spent, and great revenge of them threatned unto your said suppl. caused all the said riotous persons to depart out of the said house. And thereupon put your said suppl. into the quiet possession thereof, who remained there about two houres. And afterwards the said riotous persons perceiving the said Sheriffe to be departed from the said capitall messuage, immediately after in most forcible and riotous manner entred into the said capitall messuage, upon the possession of your said Suppl. and him in most riotous and forcible wise expulsed, and put him in great perill and danger of his life, and the possession thereof have ever since, and yet doe maintaine and keepe in most riotous and forcible manner, to the great incouragement of all such like wilfull, riotous, and disobedient persons, and against your highnes lawes and statutes in such case made and provided, for the due correction and punishment of such like malefactors and outragious persons, neither fearing God nor your highnesse lawes. In tender consideration whereof, and to the intent the said riotous persons may receive condigne punishment for their heinous offences, whereby there may grow some terror to such like disposed contemners and breakers of your H. lawes within the said countie, where of late there have been many and sundry heinous offences perpetrated and done, and none or little reformation as yet hath hitherto been therein had, whereby the countrey is very much growne to boldnesse in contemning your Ma. lawes. May it therefore please your highnes of your accustomed clemencie and goodnes, to grant unto your said suppl. your graces dread writs of Subpœna, to be directed to &c. commanding them thereby at a certaine day, and under a certaine paine therein limitted, to appeare in your highnes high court of Star-Chamber, then and there to answer to such matter as shall be objected against them. And your said suppl. shall daily pray unto God for your highnesse prosperous estate in royaltie long to raigne.

A

A Bill of forgerie of Obligations.

To the Queenes moſt excellent Majeſtie.

MOſt humbly complaining, ſheweth unto your moſt excellent Ma- Sect. 3.
jeſtie, your poore and faithfull ſubject P. B. &c. That whereas in the Parliament holden at W. in the 5. yeare of your Ma. raigne, there was one good and profitable act made and provided for the due puniſhment of forgers of falſe deeds and writtings. In which amongſt other things it was enacted and eſtabliſhed by the authority of the ſame parliamẽt, that if any perſon or perſons after the ſaid firſt day of June, upõ his or their owne head or imagination, or by falſe conſpiration or fraud, had, or with any other ſhall wittingly, ſubtilly, & falſely forge or make, or wittingly, ſubtilly, and falſely cauſe or aſſent to bee made, and forged any falſe Charter, Deede, or Writing, to the intent that any perſon or perſons ſhall or may have or claime any eſtate or intereſt, for terme of yeares, of, in, or to any Mannors, Lands, Tenements, or Hereditaments, not being Copie hold, or any annuitie in fee ſimple, fee taile for terme of life, lives, or yeares, or after the ſaid day ſhall as is aforeſaid, forge, make, or cauſe or aſſent to be made or forged, any obligation or bill obligatory, or any Aquittance, Releaſe, or other Diſcharge of any debt, account, action, ſuit, demaund, or other thing perſonall. Or if any perſon or perſons after the ſaid firſt day of June, ſhall pronounce publiſh, or give in Evidence any ſuch falſe or forged Charter, Deede, Writing, Obligation, Bill obligatorie, Acquittance, Releaſe, or Diſcharge, as true, knowing the ſame to bee falſe and forged, and ſhall bee thereof convicted by any the wayes and means aforeſaid, That then he ſhall pay unto the partie grieved his double coſts and dammages, to bee found and aſſeſſed in ſuch Court where ſuch ſaid Conviction ſhall bee had, And ſhall bee alſo ſet on the Pillorie in ſome open market-towne, or other open place. And there to have one of his eares cut off, and alſo ſhall have and ſuffer impriſonment by the ſpace of one whole yeare without baile or mainprize. But ſo it is, moſt excellent Soveraigne Ladie, that the day of laſt paſt, your ſaid ſubject, at the great inſtance and deſire of one A. D. became bound as Surette with one W. F. for the debt of the ſaid W. R. unto one W. S. of &c. by two ſeverall Obligations, the one of the ſumme of two and thirtie pound, with condition for the true payment of ſixteene pound at a certaine day now paſſed, and the other of twenty foure pound for the true delivorie of twelve quarters of Wheat, at a certaine day now

now likewise past. And thereupon for discharge of your poore subject the said W. R. and A. D. did become bound unto your said subject in two other Obligations; the one of the summe of fortie pounds, with condition for the saving harmelesse of your poore subject of the said obligation of two and thirtie pounds, against the said W. S. and the other of the sum of six and twentie pounds thirteene shillings and foure pence, also to discharge and save harmelesse your said subject against the said W. S. for and concerning the other Obligation of foure and twentie pounds. And after your poore subject perceiving the day of the deliverie of the said twelve quarters of Wheat to the said W. S. to approch and draw neere, much fearing the forfeiture of the said Obligation, knowing right well that the said R. had no Wheate to deliver to the said W. S. your said subject, then also being sick, and very carefull both for himselfe & also for the said A. D. and not able to travell therein, nor seeing any order taken by the said W. R. for the payment or deliverie of the said twelve quarters of Wheate, to the said W. S. against the day of payment, your said subject minding himselfe by his friend to make provision for the same, did send for the said A. D. declaring unto him the estate of the cause, and wished him to travell and make provision for the said twelve quarters of Wheate, to save the said bond, who seemed also to be carefull thereof, howbeit in that sudden he was not in hatte to make present provision thereof, so as your poore subject being inforced to prove his friend, declared unto the said A. D. that there was sufficient Wheate in the store of the said Colledge, and hoped to receive so much of them by way of loane, as should bee payd to the said W. S. and desired the said A. D. to goe to one Master L. and to desire him in the name of your said subject to lend him twelve quarters of Wheate of the store of the Colledge to pay unto the said W. S. and he should be repayed againe, unto the end that the truth of the estate of that cause, and of the assurance of your subjects saving harmelesse might plainely appeare to the said Master L. your poore subject upon speciall confidence delivered to the said A. D. those two Obligations, wherein W. R. and A. D. did stand bound to your said subject for his indempnitie as aforesaid, willing him to carrie and shew these Obligations to the said Master L. as aforesaid, and immediately to bring them againe to your said subject. the which the said A. D. did very gladly accept, and faithfully promise so to doe. But so it is if it may please your most excellent Majestie, that the said A. D. having thus gotten into his hands the said Obligations, wherein hee and the said W. R. stood bound unto your subject as aforesaid, contrary to his promise and the trust and confidence by your poore subject in him

reposed,

repoſed, ſeeking the vtter vndoing of your ſaid ſubiect, reſpected nothing the payment nor the deliuerie of the twelue quarters of Wheate, according to the condition of the ſaid obligation, went not to the ſaid Sr. L. to borrow the ſaid Wheate, but of a very wicked mind returned home to his owne houſe, where without all care or conſcience hee did cancell both the ſaid obligations, and did then and there moſt falſly and deceitfully counterfeit and make two other writtings obligatorie in the name of the ſaid W. R. onely leauing out his owne name to your ſaid ſubiect in the like ſummes, and with the ſame like conditions, and did alſo moſt deceitfully ſet to euery of the ſaid new writtings Obligatorie two Seales, and in euery thing made them ſo like to the other, as hee could deuiſe, thereby the ſooner to abuſe your ſaid ſubiect. And hauing thus forged and counterfeited theſe two writtings, hee returned to your poore ſubiect lying ſicke in his bed, affirming very untruly, that hee could not obtaine the ſaid xii. quarters of wheat of the ſaid Sr. L. & then deliuered to your ſaid poore Subiect the ſaid two forged Obligations, which he receiued in his weakeneſſe and ſickneſſe, and being alſo vnlearned, was not able to diſcerne the falſhood, by meanes of vnhoneſt dealings and forgerie of the ſaid A. D. your poore ſubiect being then in extremitie of ſickneſſe, and abuſed as aforeſaid, and hauing none other reliefe to performe the condition of the ſaid Obligation, for the payment and deliuerie of the ſaid Wheate, the Obligation wherein your ſaid ſubiect was ſoyntly bound with the ſaid W. R. to W. D. was forfeited, ſince which time the ſaid W. D. hath commenced ſuite againſt your poore ſubiect vpon the ſaid ſeuerall obligations, within the city of W. and hath recouered againſt him the whole penaltie of the ſaid Obligations, and hath the bodie of your poore ſubiect in execution, to the great loſſes and vtter vndoing of your poore ſubiect, his wife, and familie for euer. In tender conſideration whereof, and for that your poore Subiect is without all remedie by the courſe of the Common Lawes of this Realme againſt the ſaid W. R. and A. D. for his due diſcharge in this behalfe. And for that alſo the ſaid vnhoneſt and wicked fact and treacherie of the ſaid A. D. in abuſing your poore Subiect, putting his whole truſt and confidence in him, as is aforeſaid, not onely in cancelling of his iuſt and lawfull Bonds and Obligations, to the forfeyture of his bonds, as it may ſeeme to be done by him of wilfull purpoſe to vndoe your poore Subiect. And for that the ſayd falſe and deceitfull forgerie of the ſaid two new counterfeited writtings obligatorie in the name of the ſaid W. R. and to the vtter deceiuing and defrauding of your poore ſubiect, doth not only tend to the vndoing and impriſonment of your poore ſubiect, but to the great incouraging of others like lewd & euill diſpoſed perſons, to attempt the like forgeries, and other ſuch notorious

torious facts, to the great prejudice of divers your loving subjects. It may therefore please your most excellent Ma. of your aboundant grace and clemencie, to grant your highnesse most gracious writ of Subpœna to be directed to the said A. D. commanding them by vertue thereof, at a certaine day, and under a certaine paine therein to be limitted and appointed, personally to appeare before the Lords of your hon. Councel in your Majesties high Court of Star-Chamber at Westm. then & there to make answer to the premisses, and to stand and abide such further order and direction therein as by the Lords of your Ma. said councell shall bee thought meet and convenient. And your said subject shall daily pray to God for the prosperous estate of your Majesties raigne.

A Bill where the partie by forcible entrie is put out of possession, beaten, and his Corne carried away riotously.

To the Queenes most excellent Majestie.

Sect. 4. IN most humble and pitifull wise complaining sheweth unto your Highnesse, your faithfull and obedient subiect T. B. That whereas your said Subiect was and yet is lawfully possessed for certaine yeares yet enduring, of and in one messuage and Tenement with the appurtenances, scituate, lying, and being in B. &c. in your Maiesties Countie of &c. by force of the demise and grant of one T. H. &c. So it is, most gracious Soveraigne Lady, That one W. W. of &c. P. W. T. W. &c. being very light, lewd, desperate, wicked, riotous, and evill disposed persons, with divers other persons of like disposition, whose names to your said suppliant are yet unknowne, by the abetment, aide, and procurement of one A. S. Esquire, one of your Maiesties Justices of P. in your said countie of P. and one R. H. who seeking and practising daily rather how to trouble, vex, and disquiet your highnes said subiect than the preservation of your Maiesties Peace, or observation of your Graces Lawes and Statutes of your Realme, the day of in the yeare of your highnesse most prosperous raigne, as also divers and severall other dayes and times sithence, contrarie to your Maiesties said Lawes and Statutes in such case made and provided, not having the feare of God before their eyes, neither any thing weighing or regarding the penalties that might thereupon ensue, with force and armes, that is to say, with swords, bucklers, daggers, piked staves, pitchforks, lances, and other weapons, as well invasive as defensive, in furious, forcible, riotous, and unlawfull manner, by the wicked councell, aide, and procurement of the said A. S. and R. H. unlawfully, and contrary

to

to your highneſſe ſaid Peace, did not onely make one great and greevous aſſault and affray upon your ſaid ſubject and his ſervants, being then in Gods peace and your Majeſties, and them moſt cruelly and diſpitefully did beate, hurt, and wound, and ſo left them in great perill of death: but alſo moſt violently and forcibly enter into the ſaid meſſuages and tenements, with the appurtenances, and with ſtrong hand great force, might, and power, then and there did take, convey, & carry, away the Corne and Hay (that is to ſay) ſix cart loads of Wheate, eight cart loads of Barley, twelve cart loads of Peaſe, ſix cart loads of Oates, and two cart loads of Hay, then and there being upon the ground, belonging unto the ſaid meſſuages and tenements: and alſo with like force and violence, did diſpoſſeſſe and expulſe your ſaid ſubject from the ſame, to the great loſſe, hinderance, dammage, and utter undoing of your ſaid ſubject. By reaſon of which ſaid riotous and unlawfull practiſes and attempts, great tumults did ariſe, in ſuch ſort, that ſuddenly great uproare had almoſt like to have riſen and beene ſtirred in your highneſſe ſaid Countie, by the ſaid riotous and evill diſpoſed perſons, being counſelled, abbetted, and ayded in the ſame their unlawfull practiſes and doings by the ſaid A. S. and R. H. had not your ſubject yeelded and given place to the ſaid riotous perſons, as of force hee was conſtrained to doe, being with his ſervants ſo unpitifully handled and violently tormented, and put in great feare and perill of their lives, which fact by the ſaid riotous and evill diſpoſed perſons ſo committed, as the ſame is, upon very evill intent and purpoſe done by them, expreſſely againſt your Majeſties Lawes and Statutes of your Realme, and againſt the common quiet of the ſame: So is the ſame an open and manifeſt evill example to all other lewd and evill diſpoſed perſons, to perpetrate and commit the like unlawfull attempts, if condigne puniſhment and ſharp correction bee not to the ſame riotous perſons and their ſaid Counſellors, and Abbettours, miniſtred and extended in this behalfe. In tender conſideration whereof, may it pleaſe your highneſſe to grant your moſt gracious Writ of Subpœna to bee directed to the ſaid A. S. R. H. W. V. P. V. &c. commanding them and every of them thereby at a certaine day and under a certaine paine therein to bee limitted perſonally to appeare before the Lords of your highneſſe moſt Honorable Privie Councell in the Starre-Chamber at Weſtminſter, and then and there to anſwer to the premiſſes: And further to ſtand to and abide ſuch Order, Rule, and Direction herein, as by them ſhall bee thought meete,

and

and conuenient. And your said subiect shall daily pray to God for the preseruation of your Highnesse estate long ouer us most victoriously to raigne.

An Information against a Vicar for Perjurie, and for-swearing himselfe.

To the Queenes most excellent Majestie.

Sect. 5. HUmbly complaining, informeth your Majest. your faithfull, true, and obedient subiect G. R. &c. That whereas the 19. day of I. last past, your Graces letters of Commission was directed out of the Court of Exchequer at Westminster, unto R. B. H. S. &c. and others, to enquire of such Church goods as did appertaine unto your Ma. and were concealed and withdrawn, and otherwise imployed. And the said commissioners sitting by vertue of the said cõmission at Westminster for the due execution of the same. One R. S. Clerke, Vicar of A. came before them the said commissioners, to bee examined touching the articles of the said commission, who taking his oath upon the holy Evangelist truly to answer to such Articles as hee should be examined upon, according to the tenor of the said Commission, was examined upon his said oath, whether he had in his possession or custodie, any goods belonging or which did belong to the Church, did answer negatively, that hee had not, nor never had in his custodie or hands, any goods belonging to the Church, where in very truth the said R. S. had then in his custodie, divers parcels of Church goods, and namely one Canopy, one peece of a Canopy, a Pire &c. and divers other like things, which hee did then certainely know of. And so the said R. S. very wittingly, corruptly, and wilfully did perjure & forsweare himselfe of purpose to keep such Idolatrous vessels and instruments in his hands, and thereby to doe injurie unto your Majestie, contrarie to his duetie towards Almightie God and to your Majestie, and contrary to the Lawes and Statutes of this Realme. In consideration whereof, May it please your Majestie to grant your Graces Processe of Subpœna &c.

A Bill exhibited by the Queenes high Almoner, for detaining of such goods as were forfeited to her Majestie.

To the Queenes most excellent Majestie.

IN most humble wise sheweth and complaineth unto your highnesse, your faithfull and obedient Subject E. Bishop of Rochester, high Almoner unto your Majestie, That where one T. P. of C. in the Countie of Kent, the day of in the yeare of your most gracious raigne, at E. aforesaid feloniously as a felon, of himselfe did drowne and destroy himselfe, as by an Inquisition then & there taken before J. B. Gentleman, one of the Coroners of the same Countie, upon the sight of the bodie of the same T. P. by the oaths of twelve men, according to your highnesse lawes of this Realm more at large it doth and may appeare, by reason whereof all such goods, cattels, and debts, as the same T. P. or any person or persons had and was possessed of the day of his said death, doe of right belong and appertaine unto your said Majestie, and so to the distribution of me your said Almoner, in augmentation of your most gracious alms by force and authoritie of your most gracious Letters Patents unto me in that behalf granted and made, as by the same letters P. more at large it doth and may appeare. And where one H. J. of C. aforesaid, was indebted, and did owe unto the said T. P. the day of his said death, the summe of x. li. of lawfull current money of England, to be payed unto the same T. P. his executors or Assignes at a certaine day now expired. And although the said Bishop Almoner by R. G. of D. in your said Countie yeoman, hath divers and sundry times required, and instantly desired the said H. J. to content & pay unto him to the use abovesaid the said debt of ten pounds, yet that to doe the said H. J. at all times hitherto hath refused and denied, and yet doth, not onely in contempt of your most gracious Letters Patents unto mee your said Almoner, in manner and forme abovesaid granted and made, but also to the great let and hinderance of your most gracious Almes, which should have beene ministred by your said Almoner unto your poore and impotent subjects, And the perti-

Sect. 6.

lous and evill example of such like offendors, if condigne punishment and speedie remedie by your Majestie bee not shortly had and provided in this behalfe. In consideration whereof, may it please your most excellent Majestie, to grant your most gracious Writ of Subpœna, to bee directed unto the said H. I. commanding him by the same personally to appeare before your Highnes and the Lords of your most honorable Councell in the Starre-Chamber at Westminster at a certaine day, and under a certaine paine therein to be limitted, then and there to answer to the premisses. And your said Almoner shall pray unto Almighty God for the prosperous estate of your Majestie according to his most bounden dutie in most high honour and felicitie long to raigne over us.

The Answer of a defendant pleading not guiltie, being charged with Rescous and Conspiracie, and other misdemeanors in the Plaintifes Bill mentioned.

The Answer of John Probart Gentleman, one of the Defendants to the Bill of Complaint of William Haye Complainant.

Sect. 7. THe said defendant saving and reserving to himselfe now and at all times hereafter al advantages and benefit of exception to the incertaintie, insufficiencie, and other imperfections of the said Bill of complaint saith, That David ap Hugh William one of the defendants, was arrested in the Towne of Kington in the Countie of Hereford, at the complainants suit, And was brought by the Bailifes that arrested him to the house of Richard Baker in the Bill mentioned, where Charles Booth then deputie to the Under-Sheriffe of the Countie of Hereford was, and the defendant David ap Hugh William, being brought to the said Charles Booth one of the defendants, and he this defendant being given to understand, that the said David ap Hugh William was arrested, he this defendant came to the said Charles Booth being deputie to the said Under-Sheriffe of the Countie of Hereford to be baile for the apparance of the said David ap Hugh Wil-

William, being his neere neighbour, and of his antient acquaintance, and also Tho. Bridges, and Devoureux Pember gentleman, offered to bee his baile, with many other of great sufficiencie, whom the said Charles Booth deputie to the aforesaid Under-sheriffe would have accepted of, but the compl. and the bailiffes which arrested the said David ap Hugh William, one of them being his brother, and the other his Uncle, not only refused to suffer the sheriffes deputie Charles Booth to baile him, but the said complainant and others his adherents greatly abused this def. and his wife, and raised a great tumult in the house of the foresaid Rich. Baker, and drew their weapons and assaulted divers persons without any just cause of provocation. In which tumult the compl. was wounded, and so were others by the comp. and his companie: but the said David ap Hugh William never stirred nor offered to depart, neither did any body offer to rescue him, but the said David ap Hugh William did render himselfe to the deputie of the said Under-sheriffe, and put in baile for his apparance. And at the day of apparance a Cepi Corpus being returned by the Undersheriffe, the said David ap Hugh William appeared to the said action by his Atturney, so as the plaintife might well proceed in the said suit; and as to the said rescue and the conspiracie, and all other the residue of the offences and misdemeanors complained of by the said Bill, and examinable in this honor. Court, this def. saith, That he is not guilty of them or any of them in manner and forme as by the sayd bill is supposed. All which matters this def. is ready to averre and prove as this hon. Court shall award, And humbly prayeth to bee dismissed with his costs and charges by veration this suit most wrongfully sustained.

The Demurrer and answer wherein the Defendant alleageth that the Plaintife pretendeth to put the Defendant in jeopardie of his life, for beating and wounding the Complainant according to the Bill exhibited.

Sect. 8. The ſaid Defendant, all advantages of exception to the uncertainty and inſufficiencie of the ſaid bill of compl. being to him now and at all times ſaved, for Plea to ſo much of the ſaid bill of compl. as any way concerneth the beating and wounding of the ſaid complain. or any matter depending thereupon, ſaith, that the ſaid Complain. ſince the time of the committing of the ſaid ſuppoſed miſdemeanors, pretending that he the ſaid compl. by reaſon of the hurt ſuppoſed by the ſaid bill to be done unto him by this Def. and others was in danger of death, cauſed this Def. to be bound over by Recogniſance to appeare at the great ſeſſions in the county of Radnor where this Def. dwelleth, holden in Somer laſt paſt, where this Def. appeared, and upon his apparance the Compl. pretending that he was ſtill in danger of death by reaſon of the ſaid wounds, cauſed this Def. to bee againe bound over to appeare at the next great ſeſſions of the ſaid Countie hereafter to be holden, to the end that if the ſaid compl. ſhould die of the ſaid wounds, this def. might be forth-coming to anſwer according to law for the ſaid Compl. death. And therefore ſince the ſaid bill of compl. tendeth to examine this defen. upon his oath, touching a matter which by the compl. pretence may concerne and call in queſtion, and put in jeopardie the life of this Def. This Def. doth demand judgement, whether he ſhall be compelled to anſwer that part of the bill. And as to the reſidue of the matters complained of by the ſaid bill, and examinable in this hon. Court, this Defen. ſaith, he is not of them or any of them guiltie, in manner and forme as by the ſaid bill of compl. is ſuppoſed. All which matters this Defendant is readie to averre and prove as this honorable court ſhall award, and prayeth to be diſmiſſed out of the ſame, with his reaſonable coſts and charges in this behalfe moſt wrongfully ſuſtained.

The forme of a Replication to ſeverall Anſwers.

THe ſaid Replyant doth reply and ſay in all and every matter and thing, as before in his ſaid Bill of Complaint hee hath ſaid. And that he doth and will aver, maintaine, juſtifie, and prove his ſaid Bill of Complaint, and all and every the matters and things therein contained, to be good, juſt, and true, certaine, and ſufficient in the Law to be anſwered unto, in ſuch ſort, manner, and forme, as in and by the ſaid Bill of Complaint it is truely ſet forth and declared, And that the anſwers of the ſaid defendants, and every of them, in all the points thereof materiall againſt this Replyant, are untrue, without that, that any other matter or thing in the ſaid Anſwers of the ſaid Defendants or any of them contained materiall or effectuall in the Law for this Replyant to reply unto, and herein not ſufficiently replyed unto, confeſſed, and avoyded, denyed, or otherwiſe traverſed, are true, All and every which ſaid matter and matters, thing and things, this Replyant is ready to averre and prove as this honorable Court ſhall award, and humbly prayeth as before in the ſaid Bill of Complaint he hath prayed. Sect. 10.

A Replication, maintaining that the Defendants have committed Maintenance, Perjurie, Subornation of Perjurie, or Champertie, and are guiltie thereof, as in the Bill of Complaint is ſpecified.

THe ſaid Complainant ſaid, That his ſaid Bill of Complaint exhibited againſt the ſaid Defendants in this honourable Court, is very juſt, true, and ſufficient in the Law to be anſwered unto by the ſaid Defendants, and doth and will averre, maintaine and prove all and every matter and thing therein contained, to bee juſt and true, in ſuch ſort, manner, and forme, as the ſame beene therein ſet forth, ſpecified, and declared, and that the ſaid Anſwer is untrue and inſufficient in Sect. 11.

the Law to bee replyed unto, for divers manifest false and apparant imperfections therein contained. And further, this Complaynant doth and will averre and prove to his Honourable Court, that the said John Lambert, in the sayd Bill mentioned, was possessed of a lawfull Terme and Estate for threescore yeares to come from and after the decease of the said Agnes Abbot, in the said Bill of Complaint mentioned, of and in the said Tenement and Close of Pasture in Thornborow, in the said Bill of Complaint specified, by meane conveyance from the President and Fellowes of Magdalen Colledge in Oxford, in such sort, as in the said Bill is specified, And that the said John Lambert being so possessed, did grant and assigne over the said Tenement and Close of Pasture, and all his estate therein, to the said Complainant, upon and in which said Tenement and Close, the said Complainant hath continued and dwelt ever sithence the decease of the said Agnes Abbot as in the said bill is also set downe: And that the said Defendant John Chelwe having no lawfull right, title, or possession of, in, or to the said premisses, did by unlawfull maintenance bring his action of trespas against the said Complainant, and did recover such great costs and dammages against the said Complainant, as in the said Bill is set forth, And that the said Defendant John Chelwe did by unjust and unlawfull Maintainance, Oppression, ad Misdemeanour, and by the abbetment of the rest of the said Defendants, make a Lease of the said Tenement and Close about October last, in the said Bill mentioned, unto the said Michael Dryngе, onely to oppresse and overthrow the said Complainant, and to expell and drive him out of the said Tenement and Close, wherein he had dwelled and continued by the space of sixteene yeares before, as in the said Bill is specified, And that the said Defendant Michael Dryngе did by unlawfull Maintenance and Oppression commence his action of Ejectione firmæ against the said Complainant, which did passe with the sayd Defendant Dryngе against the said Complainant, as in the said Bill is specified, and that neither the said Chelwe, Dryngе or Richard Lee had beene and continued in possession of the sayd Tenement and Close by the space of one yeare next before the said Lease made to the said Dryngе, nor at any other time. And further, this Complainant will averre and prove to this honorable Court, that the said Defendant John Chelwe did at the

said

ſaid Quarters Seſſions at Wickam in the bill mentioned, falſly and corruptly depoſe and ſweare to the Jurie at the ſaid Quarter Seſſions at Wickam, That the ſaid Complainant did in and upon the firſt day of October, in the bill mentioned, expell and amove, and with force and violence drive out the ſaid Defendant John Chewe, being then in the lawfull poſſeſſion of the ſaid meſſuage and Cloſe, by force of which ſaid falſe oath onely, the ſaid Graund Jurie in the bill mentioned, did find the ſaid Indictment to be true, whereas the ſaid John Chewe was not in poſſeſſion of the ſaid premiſſes the ſaid firſt day of October, nor at any time before the ſaid bill of Indictment preferred, as aforeſaid, wherein the ſaid Defendant John Chewe hath committed moſt wilfull and corrupt perjurie and miſdemeanor, as in the ſaid bill is ſpecified. And that the ſaid William Knight and Henry Dawncer did by the abetment, maintenance, and procurement of the ſaid John Chewe, and the reſt of the ſaid Defendants, at the Triall had in the Court at Buckingham, by the ſaid John Chewe againſt the ſaid Complainant, upon the ſaid Action of the Caſe, in the bill mentioned, falſly depoſe and ſweare, that the ſaid Complainant ſhould ſay and affirme in their preſence, that the ſaid John Chewe was perjured at Wickam, in ſuch ſort as in the ſaid bill is alleaged, and that thereby the ſaid Chewe did unjuſtly recover againſt the ſaid Complainant the ſumme of five Nobles, beſides coſts of the ſaid Suite, as in the ſaid bill is alleaged: Without that, that the ſaid William Lee was at any time poſſeſſed of any lawfull eſtate or leaſe of the ſaid tenement and cloſe by the ſaid Preſident and Schollers of Magdalen Colledge in Oxford, for the terme of three-ſcore yeares, to commence after the deceaſe of the ſaid Agnes Abbot, and Thomas her ſonne, as in the ſaid anſwer is untruly ſuggeſted, or that the ſaid tenement and cloſe of paſture did come to the hands and poſſeſſion of the ſaid Richard Lee, as Adminiſtrator of the goods and chattels, debts, and credits of his ſaid father William Lee, as in the ſaid anſwer is falſly alleaged, or that the ſaid William Lee died poſſeſſed thereof at the time of his deceaſe. And without that, that the ſaid Richard Lee did at any time after the deceaſe of the ſaid Agnes and Thomas Abbot, enter into the ſaid premiſſes, or had or continued the poſſeſſion thereof, or had any lawfull power to make any ſuch Leaſe for the terme of three yeares to the ſaid Complainant, as in the ſaid anſwer is alleaged, nor that ever hee the ſaid Richard Lee received any Rent, Fine, or other conſideration for the ſame of the ſaid Complainant, or of any other perſon: And that this Complainant paid his rent to the preſident and Schollers of Magdalen Colledge aforeſaid, or that the ſaid

Complainant did during the said three yeares hold or injoy the said tenement and Close of Pasture, by vertue of any lease made to him by the said Richard Lee, as in the said answer is falsly alleaged. And without that, that the said Complainant, or the said Paul Francklyn his sonne did wrongfully keep the possession of the said premisses otherwise than was lawfull for them to doe, either after the said first triall had against the said Complainant, or at the time of the preferring of the said Indictement at the said Quarter Sessions in the said answer mentioned, or that the said actions have not been by the said Def. John Chewe, and others, unjustly, and by unlawfull maintenance undertaken and prosecuted, as in the said Bill is specified, or that the said Complainant did say and affirme, that the said def. John Chewe was forsworne and perjured at Wickam, in such manner & forme as in the said answer is set downe, or that the said Compl. hath commenced his suit in this honourable Court, or any other action against the said Defen. or any of them, wrongfully and unlawfully, by the maintenance, abetment, or procurement of any person or persons, as in the said answer is falsly alleaged, but as he himselfe, having received great losse, dammage, and wrong, did and might lawfully doe: Or that the said Def. Joh. Chewe, Rich. Davies, Michael Drynge, Henrie Dawncer, and William Knight, or any of them, are not guiltie to all and every the said maintenances, perjuries, subordinations of perjuries, or Champerties, in the said bill specified. And without that, that any other matter, cause, allegation, or thing in the said answer contained materiall or effectuall in the law to be replied unto by this Compl. and not herein fully replied unto, confessed, avoided, traversed, or denied, is true, all and every which matters the said Compl. is readie to averre and prove, as this honorable Court shall award: And therefore prayeth as in his said bill he hath prayed.

The

The forme of a Rejoynder.

THeſe Def. ſay, and every of them for themſelves ſeverally and reſpectively ſaith, That their ſaid anſwers are certaine, & ſufficient in the law to be replyed unto, and do and will averre, maintaine, & prove all and every ſuch clauſe, article, and ſentence therein contained, to bee good, juſt, and true, in ſuch manner and forme as in their ſaid anſwer is ſet forth and declared: and that the ſaid replication is very incertaine, untrue, and inſufficient in the law to bee rejoyned unto, for ſundry untruths and imperfections comprized within the ſaid bill and replication, as theſe Def. ſhall be hereafter able to manifeſt & declare more at large in this moſt hon. Court, upon the hearing of the ſame cauſe, without that, that theſe Def. are guiltie of all or any the offences and miſdemeanors wherewith they or any of them ſtand charged in and by the ſayd Compl. bill, in any ſuch manner and forme as the ſame in the ſaid Bill and replication are moſt ſlanderouſly and untruly ſet forth, ſuggeſted, and declared: And without that, that there is any other matter or thing materiall or effectuall in the ſaid replication contained, and in this Rejoynder not ſufficiently anſwered and replied unto, confeſſed or avoyded, traverſed, or denied, is true. All which matters and things theſe Def. are and will be ready to averre and prove as this honorable court ſhall award: and humbly prayeth as in their ſaid anſwers they have prayed. Sect. 11.

A Bill againſt Rioters.

To the Queenes moſt excellent Majeſtie.

MOſt humbly ſheweth and complaineth unto your Highneſſe, your daily Orator and faithfull Subject I. H. and T. H. That whereas your ſaid Orator being in Gods peace and your Majeſties, at A. in your Highneſſe Countie of H. certaine lewd, riotous, and evill diſpoſed perſons, That is, I. H. W. R. &c. with divers other of the like dil- Sect. 12.

disorder to the number of twelve persons as yet to your said Orator unknowne, being weaponed with Bowes, Billes, Staves, Javelins, Pikes, Gunnes, and divers other Warlike weapons, as well invasive as defensive, did by the procurement, abbetment, and setting on of W. H. and M. H. Esquires, being mortall enemies to your said orators, and seeking and pretending their utter spoile and destruction, with much force and great violence, assault, wound, beate, and evill intreat your said subjects at divers and sundrie times, as hereafter ensueth: viz.

In consideration whereof, and for the addancement of Justice, and in represse of such rebellious assemblies, and in terror and feare of other such malefactors and riotous persons, May it please your highnesse to grant, &c. And your said Orators shall according to their bounden duties pray unto God for the preservation of your highnesse long to raigne over us.

The forme of a Bill into the Court of Requests.

IN most humble wise complaining, sheweth unto your most excellent Majestie, your humble and obedient subject W. L. That whereas one C. H. was &c. In tender consideration whereof, may it please your most excellent Majestie to grant unto your highnesse said subject your gratious Letters of Privie Seale, to be directed unto E. W. Esquire, and B. Gentleman, commanding them and every of them, to be and personally to appeare before your highnesse honorable Councell of your highnesse Court of Requests, at a certaine day, and upon a paine therein to be limitted, then and there to answer to the premisses, as to your Highnesse most honorable Councell shall seeme to stand with equitie and good conscience.

The

The end of a Bill, where hee prayeth the matter in controverſie to bee put to examination.

IT may pleaſe &c. to direct your honorable Letters to ſome man of worſhip, wiſdome, and credit, to heare and finally determine all the ſaid quarrels, and matters now depending betweene your ſaid Orators and their ſaid adverſaries, according to Equitie & Juſtice; and if they cannot determine the ſaid controverſies, then to certifie by whom the ſaid default commeth, and your ſaid Orators are bound &c.

Words of courſe in an anſwer to a Bill of Complaint.

THe ſaid defendants ſay, and either of them ſaith, That the ſaid bill of Complaint is verie uncertaine, untrue, and inſufficient in the Law to bee anſwered unto, and that the matters therein contained are imagined, deviſed, and ſet forth, of evill will and malice, to the intent to put the ſaid defendants to wrongfull veration, coſts, charges, and expences in the Law, without any juſt cauſe or ground of ſuit, albeit the ſaid defendants ſhall be compelled by order in this honorable Court, to make any further anſwer unto the ſaid uncertaine and inſuffient bill, then the advantage of exception to the incertaintie and inſufficiencie thereof, unto the ſaid defendants at all times hereafter ſaved, for anſwer and declaration of the truth, the ſaid defendants ſay, and firſt &c. without that, that any other matter or thing in the ſaid Bill of Complaint contained, materiall or effectuall to be anſwered unto, and herein not ſufficiently confeſſed and avoided, traverſed, or denied, is true, all which matters, the ſaid defendants are readie to averre and prove as this honorable Court will award: And prayeth to bee diſmiſſed out of the ſame Court with their reaſonable coſts & charges by them wrongfully ſuſtained concerning this ſuit &c.

Words

VVords of course in a Rejoynder.

THe said defendants saving unto them at all times hereafter the advantage of exception to the uncertainty and insufficiencie of the said Replication saith, and either of them saith, That the said answer is certaine, true, and sufficient in the Law to bee replyed unto, and also say as they before in their answer have said, and doe and will averre and maintaine all and every thing and things therein, to be good, just, and true, in such sort, manner, and forme, as they and every of them bee therein alleaged and expressed (That is to say &c.) And without that, that there is any other thing materiall or effectuall to be rejoyned unto, and in this Rejoynder not denyed or traversed, is true, all which matters &c.

FINIS.

The Table to the ſecond part of Symboleographie, with new additions.

Of Fines and Concords.

THe Definition Sect. 1
The parties 2
What perſons may be cogniſors, and what not 3
Of Infancie 4
Defects of the bodie 5
Impediments legall or civill 6
Of legall ſubiection 7
Of Coverture 8
Villeines 9
Perſons dead in Law 10
Impriſonment 11
Of perſons having ioint power 12
Of the eſtates of cogniſors 13
How cogniſors ought to be named 14
What perſons may bee cogniſors, and by what names 15
Before what perſons they may be knowledged 16
Of a *dedimus poteſtatem de fine levando* 17
Iudges to whom cogniſances are to be certified, and before whom they are to bee recorded 18
The diviſion of fines 19
Of fines executed and executorie 20
Of ſingle and double fines 21
Of the parts and of the writ of covenant 22
Of writs, whereupon they are levied 23
Whereof they be grounded 24
Of what things they may be levied 25
By what names things may paſſe 26
Of the names of the place wherin the lands doe lie 27
How ſeverall things muſt be placed in writs of covenant 28
Of adiuncts proper to the Writs whereof fines be levied 29
The ſeverall formes of Concords 30
Writs of covenant of common 31
A fine of land, and a ſheepe walke 32
Of wood and foldage 33
Of wood 34
Of two parts in 3. parts divided of eight acres of land, &c. 35
Of a perſonage impropriate 36
Of a mannor, of rent, and free foldage for ſheepe 37
A writ of covenant of divers ſeverall things 37
A writ of covenant of Tithes 38
A writ of covenant of the Scite of a Monaſterie 39
A writ of covenant of divers things 40
A writ of covenant of Diſmes and Tythes 41
A writ of covenant of a parſonage &c. 42
A releaſe by fine of one or two 43
A fine upon cogniſance de droit by the huſband and wife to two 44
By baron and feme, and another 45
Of a parcell in reverſion by a copartner 46
Of a manhor to an Archbiſhop and another 47
A concord from two to one, with ſpeciall warrantie 48
Upon cogniſance of right, as that, &c. with releaſe and warrantie by, &c. 49
A concord of many things together, *Sur cogniſance de droit come ceo, &c.* 50
A fine of a rent 51
Of the third part of a rent 52
A Precipe, with an exception of ſome parcels 53
A writ of covenant brought by three againſt three, of a mannor, &c. 54
A concord with a render for life, the rem. to the 1, 2, &c. ſons of the cogniſor 55
A fine of homage, rent, and ſervices 56
A fine of homage, rent, and ſervices 57
An old fine in frankalmoign, before Iuſtices in Eyre 58
A fine of lands in the countie palatine of Lancaſter 59
A Leaſe for yeares, reſerving a Rent by grant 60
A leaſe for yeares rendring rent with a render and a diſtreſſe 61
A leaſe for yeares, ſaving the reverſion 62
A leaſe by tenant for life for 21 yeares, if ſhe live ſo long 63
A leaſe for 21 yeares, &c. reſerving a rent the cogniſees grant back the ſame reverſion and rent 64
A fine of a rem' for yeares, reſerving rent, &c. 65

A leaſe in reverſion paying a rent 66
A leaſe to divers for yeares, if the parties live ſo long, and reſerving a rent, &c. 67
A leaſe reſerving rent with a *Nomine pœnæ*, and a diſtreſſe 68
A fine with grant and render for life, without impeachment of waſt, and for, &c. 69
A render for life with divers remainders over 70
A leaſe for life with a remainder over 71
A fine of lands bought by the husband, which are regranted by him to the cogniſors for his wifes life 72
A concord of divers tenements, rents, a rectorie and advowſon, with the moity of a mill 73
A fine of a fourth part to two 74
Of lands part in poſſeſsion, and part in reverſion, of a third part, &c. 75
Grant and render of a reverſion for a moitie 76
A render to the cogniſor for one weeke, remainder to a ſtranger for life, remainder to his wife for life, upon condition, with divers remainders over 77
A fine of two reverſions 78
To the cogniſee and his wife, in ſpeciall taile, with warrantie in taile 79
A grant with a render backe againe for life, with remainder in taile, dividing the lands 80
A fine to entaile lands to the heires of one deceaſed 81
A grant to the cogniſee for life of the Tenant for life, with warrantie, a render to the Cogniſor for his wives life, to convey her title to her husband 82
A fine of a moitie of divers things in poſſeſſion, and of a reverſion in fee 83
A grant of lands to two, who render to the conuſor in taile, the remainder to the Queene and her ſucceſſors 84
A grant of lands in taile to be holden of the grantor in Socage 85
A grant of lands in taile, to be holden of the grantor by ſuit of Court, and 6. s. Rent 86
A fine ſur releaſe of Knights ſervice, caſtle gard, and murage upon a writ of cuſtomes and ſervices 87
Of a mannor in poſſeſsion, and other lands in reverſion 88
Of lands part in poſſeſsion, and part in reverſion, with a render againe to the Conuſors and their heire 89
For a reverſion of a rent 90
A concord of a reverſion for a rent 91
Of Rent ſervice 92
The husband and wife ſell the wives iointure abſolutely to him in reverſion 93
Tenant for life maketh a leaſe reſerving a Rent during her life 94
A fine of Reverſion 95
A fine of a Rent granted for life, with a clauſe of diſtreſſe for the ſame 96
Of ſeverall Rents granted out of a mannor 97
Of a rent with a *Nomine pœnæ* 98
A fine in fee farme, yeelding a rent, with a diſtreſſe 99
A fine in fee farme, rendring rent, ſuite of Court, and herriot, after deceaſe, releaſe, and alienation 100
A fine in fee farme, rendring a rent, with a *Nomine pœnæ* 101
By the husband and wife to the husband and wife, with render 102
A Writ of Covenant for the King 103
A fine of divers things, with warrantie againſt all men 104
A fine with ſeverall warrantie, with a regrant and render of the premiſſes by the Conuſees to the Conuſors 105
A fine with generall warrantie from the Conuſors of two parts in three parts, divided of divers ſeverall parcels 106
A fine with generall warrantie, with grant and render by the conuſees to one of the Conuſors of parcell of the premiſſes, with divers rem' over of other parcels, reſerving a rent with a clauſe of diſtreſſe for non paiment 107
A fine with warrantie, with grant & render of all mines and coles, with libertie to dig 108
Of the 3. part of ſeverall things, with general

nerall warrantie for life, rendring rent with a clauſe of diſtres, with a grant, and rendring of the reverſion in fee 109
Of a mannor with a regrant of xii. li. out of the ſame mannor, and afterwards of the whole mannor in fee 110
Of divers things, with warrantie againſt the conuſor and his wife, and the heires of the husband 111
A fine with two ſeverall warranties 112
A fine of divers things with generall warrantie 113
With generall warrantie in generall taile and for default of heire male, to divers others of the name and kindred of the Conuſor 114
A fine knowledged before the Iuſtices of Cheſter, of divers things with warrantie 115
By an Earle and his wife of divers things 116
With grant and render to the wife of one of the conuſors for yeares rendering rent with a clauſe of diſtreſſe, with a grant afterwards of the reuerſion in fee 117
By two to one with generall warrantie 118
Of divers things with ſeverall warranty 119
A fine to two of divers things with warrantie 120
By two husbands and their wives with warrantie 121
By the husband and the wife of divers things with warrantie 122
Of the rent iſſuing out of diverſe manors 123
A fine with grant and render for yeares, to begin at a time to come, reſerving a rent, with a grant of the reverſion, to &c. 124
A fine of divers things, with warrantie in conſideration of a rent, with a clauſe of diſtreſſe, &c. 125
Of the third part of a rent with warrantie 126
Of the third part of certaine land by theſe words *Conceſſerunt & reddiderunt* 127
A fine with generall warranty of an eſtate pur auter vie, after whoſe death the land is to revert to the conuſor 128
Of divers things to a Preſident and ſcholler of a Colledge with warrantie 129
With warrantie againſt the conuſors and the heires of the husband 130
Of divers things with generall warrantie 131
Of the 3 part of divers things with generall warrantie 132
By the husband & the wife of divers things with generall warantie 133
The order of taking the knowledge of a fine by *Dedimus poteſtatem.* fol. 37. b
A fine with generall warrantie, with a grant and render to one of the conuſors for 7. dayes with remainder for life to a ſtranger, the reverſion after to the ſaid conuſor in fee 134
By the husband and the wife of divers things with generall warrantie 135
A fine before the Iuſtices of the Common-pleas at Weſtminſter, with generall warrantie 136
A fine with warrantie againſt the conuſor and his heires 137
The ingroſſement of the fine before as it is upon Record 138
A fine with generall warrantie, with a grant and render for certaine termes, and after to remaine to the conuſor in fee 139
A fine with generall warrantie, with a grant of the conuſee for life, the reverſion to the conuſor in fee 140
Of a rent with generall warrantie 141
A fine with generall warrantie in conſideration of an Annuitie, impoſing a paine for the nonpayment thereof 142
A fine of land to hold by Knights ſervice, & rent with generall warrantie 143
A fine of a manor reciting &c. with warranty againſt the Conuſors during &c. 144
A fine with warrantie, in conſideration whereof the Conuſee regrants the premiſſes for a certaine terme, after the end whereof the premiſſes are to remaine to the Conuſee in fee 145
The taking of the knowledge of the fine

fine fol. 41
Notes to be obſerved in fines fol. 41
A fine of divers things with render to the conuſors for life, & with divers remainders over after their death in generall taile, and for default of iſſue, to the &c. 146
Adiuncts of Concords 147
A licence of alienations of lands holden in Capite 148
A licence to alien in Mortmaine 149
A *Quod permittat finem levari* 150
The writ of *Ad quod damnum* 151
Of a pardon for alienation 152
Of the *Dedimus Poteſtatem* to take recognizance of a fine 153
The *Dedimus Poteſtatem* thereof fol. 44
The *Præcipe* and Concord which muſt bee filled to the *Dedimus Poteſtatem*, fol. 44
Of the Queenes ſilver 154
Obſervations neceſſary at the knowledging of fines 155
How and when cogniſances of fines muſt be certified, and what may hinder the ſame 156
Of the inrolement of writs of covenant, *Dedimus Poteſtatem*, and knowledges thereupon, which is termed the foot of the fine 157
Of the note of the fine 158
Quid iuris clamat 159
What perſons may obtaine attornment in by Quid Iuris clamat, and what not 160
What perſons be compellable to attorne in a Quid Iuris clamat, and what not 161
What pleas will barre the plaintife of attornment 162
What proceſſe will lie in a Quid Iuris clamat 163
The manner of the writ in a Quid Iuris clamat 164
The diſtreſſe in a Quid Iuris clamat, fol. 49
Divers formes of Entries, if the parties appeare after the day of the returne fol. 49
Attorney in Quid Iuris clamat 165
The writ of Quem redditum reddit 166
The writ of Per quæ ſervitia 167
Upon whoſe alienation the tenant is not compellable to atturne 168
Againſt whom a Per quæ ſervitia lyeth, and whom not 168
Of the ingroſſing of fines 170
Of the tabling of fines ingroſſed 171
How many Proclamations are to be made upon fines, and when 172
Of Proclamations of fines at the Aſſiſes, and generall Seſſions, how they muſt be certified 173
Of the inrolement of all the parts of fines after the ingroſsing thereof and proclamations paſſed 174
Of the exemplification of the parts of fines inrolled 175
How fines executorie be executed 176
The manner of execution of fines by writ 177
Of execution of fines by Scire facias 178
Certaine caſes of the nature and forme of a Scire facias upon a fine 179
What fines with proclamations barre the iſſue in taile 180
What time after a fine levied and Proclamation made, any man hath to enter or claime by action, or otherwiſe, and who are thereby barred, and who not 181
How Privies in blood are bound in fines 182
Of Eſtrangers having preſent right and no impediment 183
Of Eſtrangers having preſent right and impediments 184
Of Eſtrangers having divers defects 185
Of Eſtrangers without impediments, having future right for cauſe precedent 186
Of Eſtrangers with impediments, having future right 187
Of Eſtrangers having no right before the fine 188
Of Eſtrangers having divers future rights by divers titles. 189
Eſtrangers to fines having neither preſent nor future right to the tenements in the

the fine, as the levying thereof, but only unto rents, common &c. iſſuing out of the ſame 190
Pleas to avoid fines 191
Of a writ of Error 192
Of a Certiorari 193
A *Mittimus* of the tranſcript of a fine out of the Chancerie, into the Common place 194
A *Mittimus* 195
A *Mittimus* for the foot of a fine fol. 72. b.
Whether any but he which reverſeth a fine, may take benefit thereby 196
A writ of Warrantia chartæ

Recoveries.

OF Recoveries for aſſurances, commonly called common or feigned Recoveries Sect. 1
Of what things Writs of Entrie may bee brought, and by what names 2
Of what thing a writ of Entrie lieth not 3
A Certiorari to the executour of the Iuſtice, before whom the warrants were acknowledged 4
A Recoverie with ſingle voucher 5
A Recoverie with double voucher 6
A Recoverie with treble voucher 7
A Recoverie of an advowſon 8
All the parts of the Recovery in a writ of Right *de præcipe in capite* exemplified 9
Remiſsio Curiæ in breve de Recto 10
The exemplification of a Recovery inrolled according to the Statute of 23. Eliz. cap. 3. 11
Pardon alien ſup terr p breve de ingreſſu recuperat 12
Exemplification of a Recoverie, with double voucher, out of the Prothonotaries office 13
Another to the like effect 14
A Dedimus poteſtatem to take knowledge of a warrant of Attorny of the vouchee 15
The manner of the returne fol. 83
A Dedimus poteſtatem de atturnat rec' in brevi de ingreſſu ſuper diſſeiſinam in le poſt pro tenent 16
The manner of the returne fol. 83. a
Aliud breve de Dedimus poteſtatem recup', attornat ten ſuper breve de ingreſſu 17
The forme of a recoverie with ſingle voucher fol. 83. 1
A common recovery had by divers againſt one of divers manors &c. within the Countie Palatine of Cheſter, before the Iudges of the Shires or Counties 18
A common recoverie by divers, before the Iuſtice of Cheſter, and Iudges of the ſame Countie of a Manor &c. *Tempore H.* 8. 19
The like common recoverie, in the ſaid countie of Cheſter, to the next before, and of the ſame manor and lands, in the time of the ſaid King 20

Indictments and Offences.

THE Definition Sect. 1
What an offence is 2
What indevor is 3
Of offences private and publike 4
The Sympathie betweene the commonwealth and her members 5
Of offences publike and private 6
Offences blinde 7
Offences named and unnamed 8
Offences unnamed 9
Offences named 10
Offences ſimple 11
Offences mixt 12
Offences by word 13
Councell 14
Offence by contumelious words 15
Slander 16
Slander againſt God 17
Blaſphemie 18
Magick 19
Southſaying Wizards 20
Divination 21
Iugling 22
Inchanting and charming 23
Witcherie 24
Hereſie 25
Anabaptiſme 26
Apoſtaſie 27

Periurie 82

Slaunder
- against man by word 29
- by writing 30
- by Libell 31
- by picture 32

Offences by deeds 33
Destruction 34
Facts permanent 35
Slaughter 36

Homicide
- what it is 37
- voluntarie 38
- malicious 39
- commanded 40
- for Iustice 41
- necessary 42
- *Se defendendo* 43
- forbidden 44
- malicious 45
- of a mans selfe 46
- casuall 47
- by chance 48
- mixt 49

Murder 50
Slaughter of beasts 51
Of burning 52
Offences transitorie 53
Adulterie and fornication 54
Sodomie or Buggery 55
Burglary 56
House-robbing 57
Theft 58
Theft from the person 59
Robberie what it is 60
Theft without feare 61
Hurting and violence 62
Hurts to the bodie of the commonwealth, as treasons 63
Offences hindering the commodity of the commonwealth 64
Offences against the subiects 65
Offences springing from words and deeds 66
Others mens offences, and how farre they bind us 67
Offences unnamed 68
Of Indictments as remedies for the former diseases 69
Of the forme and manner of Indictments 70
An Indictment for keeping an Alehouse or tipling house 71
For silke in a cap 72
For using an Art against the Statute 73
For rebellious assemblies super 1. Mar ca. 11 74
Against a Barrettor 75
The like *aliter* 76
For Battery at an Assise 77
The like *aliter* 78
The like *aliter* 79
For buggery *cum masculo* 80
For burglarie and theft 81
The like *aliter* 82
The like *aliter* 83
For burglarie in a dwelling house 84
For burglary by night in a dwelling house 85
For burning a house by day 86
For burglary and burning a house 87
For burning a barne with corne 88
For Champertie in an assise of novel disseisin 89
For Champerty in an assise of fresh force 90
For fighting in Church-yards 91
For absence from Church 92
For fighting in the Church-yard 93
For fighting in Churches or Church-yards 94
For absenting from the Church 95
For taking conies in a warren 96
For conspiracie in suits 97
For conspiracie by divers bakers 98
For taking unreasonable distresse 99
For taking a distresse in the high way 100
Against Egyptians 101
Against Egyptians 102
For pulling out of eyes 103
For cutting out of tongues 104
For a voluntarie escape for theft 105
For voluntarie escape for murder 106
For escape negligent 107
Against a Coroner for extortion. 108
The like *aliter* 109
Against an Escheators servant for extortion 110
For extortion in a Register 112
Against an Escheator, inquiren fine &c. 113
For a forcible Entrie sur Anno 5. Rich. 2 114
The like *aliter* 115

For Forcible entrie, and discontinuance sur 8. H. 6. 116
For forcible entrie, and holding out, super 8. H. 6. 117
For forging Letters patents and the great Seale 118
For forging of an Indenture 119
For forestall in the market 120
For unlawfull games, super 33. Henry 8. 121
For gilting 122
For horses sold into Scotland 123
For beating of horses 124
For not taking of felons after hue and crie made 125
For hunting by night 126
For hunting in a parke 127
For hunting in a forest 128
For hunting of conies, and keeping of greyhounds 129
For imbracerie of Iurors 130
The like *aliter* 131
For common inclosed 132
For ingrossing of corne growing 133
For ingrossing graine 134
For not keeping a light horse 135
For batterie and mayhem 136
For maintenance 137
For man-slaughter by chance-medley 138
The like *aliter* 139
For saying and hearing of masse 140
The like *aliter* 141
For counterfeiting of money 142
For counterfeiting and uttering of money 143
For coyning of money 144
The like *aliter* 145
For a murder with a weapon 146
For murder by two with weapons 147
For murder with a cudgell, and slying 148
For murder and procurement 149
For murder and divers wounds 150
For man-slaughter by chance-medley 151
For murder of a bastard child 152
For murder by a servant 153
For petie treason by a servant 154
An Inquisition in murder by weapon 155
For a Nusance of a bridge 156
The like *aliter* 157
The like *aliter* 158
For Nusance of a way 159
For periurie in a disposition before Commissioners 160
For periurie in a depositc' in cancell' 161
For taking of Pheasants and Partridges 162
For wilfull poysoning 163
For poysoning 164
For murder by poysoning 165
For petie treason by the wife 166
For breaking of prison 167
For pulling of sheepe 168
For purse stealing 169
For purse picking 170
For unlawfull purveyance of Cattell 171
For rape of a woman 172
For rape of a child 173
For rape of a maid 174
For rape of a maid within age 175
For a Rescusse 176
Of high treason for rebellious insurrection 177
The like *aliter* 178
For regrating of corne 179
For regrating of fish and butter 180
For a Rescusse of one in the stocks 181
For giving of a liverie 182
For receiving and using of a Liverie 183
Against retainers 184
For a Ryot at the Sessions 185
The like *aliter* 186
For a Ryot upon a Keeper 187
For a Ryot in pulling downe of Hedges 188
For a Ryot about the execution of a Repl. 189
For a Ryot in cutting and carrying away of corne 190
For robberie in the high-way 191
The like *aliter* 192
The like *aliter* 193
The like *aliter* 194
Against a Vagabond and his Reliever, 195
For breaking of a safe conduct 196
For Sacriledge or burglarie in a Church, 197

The like, *aliter* 198
For ſlander againſt the Queene 199
For a Schoole-maſter not licenſed 200
For ſlander againſt the Queene 201
For ſlandering of Noble men 202
For ſhooting in a Gun 203
For keeping of a blind Taverne 204
For ſtealing of horſes 205
Againſt a Servant ſtealing of his Maſters goods 206
For ſtealing of a Cow 207
For theft by a Servant from his Maſter 208
For converting tillage into paſture 209
For converting arable land from tillage, 210
For treaſon for extolling the authoritie of the Pope againſt his Maieſties Supremacie 211
For treaſon for abſolving from obedience, 212
For treaſon of Ieſuitiſme 213
For a treſpaſſe in Corne, Graſſe, or Plowing 214
For eating Corne with ſheepe 215
For treſpaſſe in Fiſh ponds 216
For uſurie in loan of monie 217
For uſurie to the like effect 218
For not amending high wayes 219
For not keeping Watch 220
For Watch at the Sea coaſt 221
For killing a man by Witchcraft 222
The like *aliter* 223
For bewitching a horſe 224
For taking away of a widdow 225
For burglarie by night 226
For ſtealing a hog 227
For a wilfull eſcape 228
For ſtealing ſheepe 229
For breaking of a houſe and committing of murder 230
For man-ſlaughter 231
For uſing more arts than one 232
For regrating of corne 233
For robbery by the high-way 234
For burglarie in a dwelling houſe 235
For murder *ex propenſa malitia* 236
For Sacriledge 237
For keeping a blind Taverne without a ſigne, and lodging, &c. 238
For ſelling Ale in Veſſels called Kilderkins 239
Againſt a Prieſt for keeping a Concubine, 240
For not comming to Church 241
For Periurie 242
For fiſhing in a Mil-pond 243
For murder 244
The like *aliter* 245
For Burglarie by a woman 246
For a treſpaſſe in a Corne-field 247
For man-ſlaughter 248
For a wilfull eſcape 249
The like *aliter* 250
For forcible entrie not reciting the ſtatute 251
For uſing a trade, having not ſerved his apprentiſhip 252
For a ryot 253
For ſaying of Maſſe 254
An Indictment for moving to rebellion 255
Againſt an Eſchetor for extortion 256
For ſlandering the Queene 257
Againſt a common Barretor 258
For cutting, filing, and uttering of ſilver 259
For encloſure 260
For wilfull murder 261
The like *aliter* 262
For a riot 263
For counterfeiting the Kings Letters patents to beg 264
For ſtealing of horſes 265
For robberie by the high-way 266
For cutting a purſe 267
For taking away of a woman ſervant 268
For breaking into a houſe and burning it 269
For procuring ſervants to depart from their maſters 270
For keeping hounds and hunting 271
For robbing a Church 272
For an eſcape upon ſuſpition of felonie, 273
For ſtealing of conies 274
Againſt a Gaoler for ſuffering an eſcape 275
For ſtopping and turning of a water courſe 276
For forcible entrie 277
For murdering of a yong child 278
For hunting in a Parke 279
For burglarie by night 280

The

The like *aliter* 281
For ſtealing graine out of a Barne 282
For ſtealing graine out of a Milne 283
For ſtealing of linnen 284
For ſtealing of a guilt cup 285
For receiving of a felon knowing, &c. 286
For ſtealing of horſes 287
For robbery by the high-way 288
The like *aliter* 289
The like *aliter* 290
For ſtealing of ſheepe 291
For burglarie in the day 292
For murder 293
For counterfeiting of teſtons 294
For coyning of money 295
For burning a dwelling houſe and divers other things 296
For breaking of priſon 297
The like *aliter* 298
Againſt keeping of Greyhounds, hounds, &c. 299
For ſtealing of oxen 300
For wilfull murder 301
For man-ſlaughter 302
For treſpaſſe in a cloſe 303
For way-laying 304
For treſpaſſe in a cloſe 305
For a Ryot 306
For aſſaulting one, and taking away foure Kyne, which, &c. 307
For reſcous 308
For man-ſlaughter 309
For concealing of ſlanderous words againſt the Queene 310
An Inquiſition upon the view of a dead body, who died of an Ague 311
An Inquiſition of one killed by a Keeper 312
For confederacie againſt the Qu. 313
For maintenance 314
For forcible entrie 315
For ſhooting in a gun 316
The title of generall Seſſions, folio 350 a
The traverſe of an Indictment of Forcible entrie f. 150. b
For making of gold in another countrey, & uttering of it here 317
For a treſpaſſe in a cloſe 318
An Inquiſition upon one that killed himſelfe 319
An Inquiſition of one ſlaine by misfortune 320
An indictment for way-laying 321
An inquiſition of wilfull murder 322
An indictment for man-ſlaughter 323
For keeping a bawdie houſe 324
For keeping of ill rule 325
For keeping a bawdie houſe 326
For ſlandering a Iurie 327
Againſt a woman as a common barretor 328
For Rape by a Miniſter 329
Againſt foreſtallers of the market 330
Againſt a Gaoler for enlarging a priſoner without warrant 331
For theft by a woman 332
The like *aliter* 333
For theft 334
Againſt an Hereticke for uſing of words 335
For burglarie 336
For mayhem 337
An indictment upon the ſtatute of 5. R. 2. 338
An Information wherein the partie deſireth the good bearing of one 339
For a treſpaſſe in a cloſe 340
The like *aliter* 341
The like *aliter* 342
The like *aliter* 343
For taking a Cade of Sprats by extortion 344
For repairing of high-wayes 345
For ſtopping of a common Sewer 346
For not repairing of a bridge 347
For incloſing the high-way 348
For killing one in his owne defence 349
An Inquiſition upon one ſlaine by one *Se defendendo* 350
For a riotous Reſcous of cattel 351
For maintenance 352
For hard uſage of a priſoner to compell him to accuſe another 353
For procuring one to commit a burglarie 354
For murder 355
For keeping a common tipling houſe being a common barretor 356
An Inquiſition upon one that was drowned 357
An Indictment of murder taken before the Coroner 358

An

An Inquiſition upon one that hanged himſelfe 359
An inquiſition upon one that was murdered by an unknowne perſon 360
For robbing by the high-way 361
An inquiſition upon a woman that killed herſelfe 362
An indictment for coſening of Clothiers 363
The Indictment of William Hacket for treaſon and conſpiracie 364
Another to the like effect of the ſame partie 365
For recuſancie 366
A plea to the Indictment before, folio 161 b.
The *Venire facias* for the returning of a Iurie fol. 162. a.
An Indictment for burglarie 367
An order in framing of Indictment fol. 162. b.

Of Compromiſes and Arbitrements.

Defined Sect. 1.
Divided 2
Generall 3
Speciall 4
Parts of Iudgements 5
Perſons in Iudgements 6
Perſons ſtriving 7
Perſons ſtriving 8
What perſons may compromit, and what not 9
Impediments to compromit 10
Impediments in mind naturall 11
Impediments to mind caſuall 12
Impediments in bodie 13
Dumbneſſe and deafneſſe naturall and caſuall 14
Impediments legall, ſubiection and ioynt power 15
Coverture 16
Death civill 17
Compromiſe 18
Attainder and Outlawrie 19
Ioynt power 20
Arbitrators defined 21
The choice of Arbitrators 22
Sufficiencie of arbitrators conſidered 23
A fooles Arbitrement 24
A ſimple Magiſtrates arbitrement 25
Defects of the bodie in arbitrators 26
Arbitrators indifferent, who 27
The queſtion 28
The queſtion double 29
The queſtion of fact 30
The queſtion of right 31
What is to bee conſidered in each queſtion 32
What things are arbitrable, and what not 33
Circumſtances regarded in ſubmiſsion 34
Of the power given to arbitrators 35
Of time and place 36
A compromiſe with covenants to performe the ſame 37
Of binding the parties to performe an award 38
The condition of an obligation to performe an award 39
Of the condition to performe an award of lands 40
Whether power to arbitrate may be aſsigned 41
Whether the compromitters may diſcharge the arbitrators, or no 42
What an arbitrement is 43
Things to bee regarded in arbitrement 44
An arbitrement of lands, by which the partie covenanteth to performe it. 45
An arbitrement of debt, whereby the parties are bound to performe it 46
An award of debt by an Earle, upon ſubmiſsion by bone 47
Of notice of the arbitrement 48
The finall cauſe of arbitrements 49
An award of copihold lands 50
An award reciting certaine bonds for the performance of an award, and that the award was made 51

Of the Chancerie, Proceedings, and Supplications, Bills, and Anſwers.

Of the Chancerie Sect. 1.
Of ſtrict or preciſe law 2

Of

THE TABLE.

Of Equitie 3
The diuision of Equitie 4
The efficient cause of equitie 5
The materiall cause of equitie 6
The formall cause of equitie 7
The finall cause of equitie 8
Why Equitie is sometime compared to a Ruler 9
How Equitie and Clemencie doe differ 10
Of the difference betwixt equitie and strict Law 11
How the Chancerie is termed the court of Conscience 12
Conscience defined 13
Of Iudgements in Chancerie 14
Of the power ordinary of the Chancerie 15
Of the power absolute of the Chancerie 16
Of a Subpœna 17
Cases remediable in Chancerie 18
Certaine cases where the partie is remediesse in Chancerie 19
Of the ordinarie proceeding in the high Court of Chancerie 20
A Subpœna for costs 21
An attachment 22
An attachment with Proclamation 23
An attachment in the Cinque Ports 24
An attachment in the countie Palatine of Lancaster 25
An attachment against one dwelling in the countie Palatine of Chester 26
A commission of Rebellion 27
A Supersedeas of the commission of rebellion 28
A Supersedeas to the Chancellour of the countie Palatine of Lancaster 29
The like to the Chamberlaine of Chester 30
A Supersedeas of an attachment 31
Of an Iniunction 32
Of apparance 33
Of a Dedimus potestatem to receive an answer 34
Of a supersedeas 35
A Commission upon a false *Affidavit* 36
Of an imperfect answer 37
Reioyning and ioyning in Commission *ad examinand' testes* 38
A Commission *ad examinandum testes* 39
A note by the Commissioners to give &c. 40
Of citing witnesses 41
A Subpœna *ad testificand'* 42
The Stile of Interrogatorie 43
The Stile of the depositions thereupon taken 44
Of Publication, Hearing, and Breviates 45
A commission to the Sherife to keepe the Plaintife in possession 46
A commission to certifie depositions taken by commission 47
A commission to examine witnesses in perpetuall memorie 48
Subpœna ad testificandum super petitionem 49
Aliter ad testificand' ad assisas super Articulos 50
Subpœna ad ostend' causam quare eviden' non deliberent' 51
Subpœna ad testificand' ad assisas in Lond' 52
Subpœna ad testificand' coram Vicecomit' Lond' 53
Subpœna pro evidencijs adferendis 54
Aliter pro Obligatione deliberand' 55
Subpœna de Atturnat' faciend' 56
Commissio ad recipiend' & ad examinand' testes 57
Commissio ad audiendum & terminandum &c. 58
Commissio ad examinand' testes & locum &c. 59
Commissio ad supervidendum & disting' vastum 60
A Commission to the Lo. Deputie of Ireland, and the Lord Chancellour for the hearing and determining of a title of land 61
What a bill of Complaint is 62
The direction of the bills 63
What an answer is 64
What a Replication is 65
What a Reioinder is 66
What a Surreioinder is 67

A bill

A bill of complaint for entring and making ſecret eſtates of the land, waſting part thereof, and mingling part with other lands, to diſherit the plaintife by having the writings thereof 68
The anſwer to the bill 69
The Replication to the anſwer 70
A bill to ſtay ſuit at the common law upon an obligation 71
A bill for the withholding of a writing and taking the profits of the land, and falſe charging of the plaintife with the eſloyning of a Cow 72
The anſwer thereunto 73
A bill to bee relieved for obligations made for Symonie 74
A bill for boarding 75
A demurrer for double vexation 76
A bill for not ſurrendring a leaſe in truſt, for waſting tenths demiſed, and withholding of writing 77
A bill by an Adminiſtrator upon a promiſe made to the inteſtate of certaine marriage money, to bee payd by the defendant 78
A bill for entring into, and detaining lands, by colour of having the Evidences thereof, and for contriving ſecret eſtates 79
A bill for certaine money that ſhould have beene payd in conſideration of a leaſe agreed to be made of land 80
An anſwer and demurrer to the ſame bill 81
The Replication to the ſaid anſwer and demurrer 82
A bill for money lent without ſpecialtie and witneſſes 83
The anſwer thereunto 84
A bill for retaining of bonds payd, and praying an Iniunction to ſtay ſuit therupon 85
A bill to examine witneſſes *in perpetuam rei memoriam* 86
A bill for deliverie of ſheepe by an executor converted to his owne uſe 87
The anſwer thereunto 88
The replication to the anſwer 89
A bill for a debt upon a contract without witneſſe 90
The anſwer and demurrer thereunto 91
A bill to be diſcharged of bonds made upon promiſe, not to bee preiudiced thereby, laying open divers lewd practiſes by the defendant 92
A bill for receiving of the plaintifs goods of his wife, and detaining of them 93
The anſwer thereunto 94
The replication to the anſwer 95
A bill for that the defendants have gotten the plaintifes bill, whereby they ſtood bound unto him, meaning thereby to defraud him of his debt 96
A bill for wrongfull entrie into lands detaining of the writings, waſting the ſame, and contriving ſecret eſtates 97
A bill for detaining of a leaſe for yeares 98
A bill by an Executor for money for boarding 99
A bill for not entring into bond to ſave a ſuretie harmeleſſe, according to promiſe 100
A bill for making falſe *affidavit* for appearance 101
A bill to be relieved of an Obligation, where the money was paid 102
A bill for not procuring an acquittance of rents paid according to promiſe 103
A bill for not paying of money, nor ſaving the ſuretie harmeleſſe 104
A bill for entituling ones ſelfe to certaine ground, and ſelling the woods thereupon 105
A bill againſt executors, for not delivering of Specialities paid 106
A bill againſt executors, upon a private promiſe made by their teſtator, alleaging that they have waſted their teſtators goods 107
A bill for divers Evidences 108
A bill for not making aſſurance of lands, according to a covenant, alleaging that the defendants have gotten the indenture thereof, and that ſome of them were within age at the making thereof 109
A bill againſt an heire for entring into lands deviſed to the plaintife, praying a Commiſſion to examine witneſſes *in perpetuam rei memoriam* 110
A bill for refuſing to receive the plaintifes rent according to an order, and taking the

the forfeiture of a bond for the payment thereof 111
A bill for money for cattell ſold upon truſt 112
A Reioynder 113
A bill for giving ones word with a ſervant and promiſing to anſwer all dammages done to his maſter by him 114
The anſwer thereunto 115
The Replication to the ſame anſwer 116
A bill for entring and detaining Copihold lands, by reaſon of the detaining of the writings thereof 117
A bill by gardeins for evidences 118
The anſwer thereunto 119
A bill to be diſcharged of a Recogniſance, with anſwer, Replication, and Reioynder thereunto 120
A bill for the wrongfull detaining of a deed of demiſe, which came unto him by intermarriage 121
A bill againſt an infant for boording and apparell, & not performing of a leaſe 122
A bill of debt upon a contract againſt the ſurviving partner, and the adminiſtrator of another 123
A bill upon a promiſe to forbeare debt due and yet ſuing the bond 124
The anſwer thereunto 125
The Replication to the anſwer 126
The Reioinder to the Replication 127
A bill for detaining lands with Evidences 128
The anſwer to the bill 129
The replication to the anſwer 130
A bill for debt levied by extent 131
The anſwer to the bill 132
A bill to cauſe one to ſhew his leaſe whereby he holdeth, &c. 133
The anſwer to the bill 134
A bill for a title of land entailed 135
The anſwer to the bill 136
A Supplication in the Chanceric upon deceit by a partner 137
A bill for the recoverie of evidences made by diſtreſſe 138
A bill of a title of copihold lands, praying an Iniunction 139
A bill for debt without ſpecialtie 140
The anſwer to the bill 141
A bill upon certaine griefes praying a Certiorari 142
A bill where a Jurie hath paſſed in a matter wrongfully, praying a Certiorari 143
A bill againſt an Adminiſtrator for ſuing of a bond promiſed by the teſtator not to bee put in ſuit till the death of the pl' father 144
A bill for wrongfull entrie into lands intailed, by reaſon of having the writing thereof, and making divers ſecret eſtates 145
A bill for delivery of heire-loomes, or principals to the heire, according to the cuſtome 146
A bill for the deliverie of an Obligation promiſed by the obligee, to be delivered upon the acknowledgement of a ſtat. which the plaintife did being within age 147
The anſwer to the bill 148
A bill for not being ſuffered to enter into lands delivered to extent, deſiring the view of the evidences thereof, the plaintife forbearing before to take the profits, upon referment of the matter unto two, whoſe order the defendant withſtood. 149
The anſwer to the bill 150
A bill for detaining of evidences, entring into the land, and making ſecret eſtates 151
The anſwer of one of the defendants to the bill 152
The replication to the anſwer 153
A bill for a commiſſion upon the ſtatute of 13. Eli. cap. 7. as touching Banckrupts 154
The commiſſion upon the ſaid ſtatut. of 13 El. 155
The Precept to the Officers to make Proclamation 156
The Proclamation 157
An Indenture upon the ſaid commiſſion betweene the commiſſioners and the creditors 158
The manner of entituling the Schedule 159
A bill by a priſoner to compell the defendant to proceed to agreement, according to an order made by the L. Chancellor that is dead 160
A bill to compell the Executours to pay lega-

legacies, the diuisees being remediless at the Spirituall law 161
A bill praying an iniunction for stay of a suit in the Exchequer upon an untrue surmise 162
The answer of one of the defendants to the bill 163
The answer of the rest of the defendants to the bill 164
The Replication to the former answer. 165
A supplication by maimed souldiers for the Councels licence to beg, till almes roomes which the Qu. gave in reversion become void 166
A supplication by a Merchant stranger called before in question upon supposall of cosenage, desiring his libertie may not be impeached till the matter bee fully examined 167
A supplication by an In-keeper imprisoned upon a suppos'd of counterfeiting Letters from the Councell, praying to detect o-others, and praying also to write Letters to the Commissioners for debt in the Fleet in his behalfe 168
A Supplication praying a warrant from the the Councell, for the defendants refusing an order set downe by the Councell 169
A supplication praying the Councells letters to the Lord President and Councell of Wales, for the bailement of the Plaintifes being imprisoned upon a pretended murder by them 170
A supplication to have the Councells letters to two, to have the hearing of a controversie of an account 171
A supplication by prisoners in the Fleet for Misdemeanors sentenced in the Starre-Chamber, to be enlarged 172
The like *aliter*, onely craving the benefit of the generall pardon, and dischargement of one of his fines 173
The like *aliter*, onely praying further that his prison charges might bee satisfied by one A.B. by whose meanes he was drawne into the action 174
The manner of proceeding upon a speciall *Cariorari* 175
A *Corpus cum causa* to remove the prisoner 176
Of a writ of *diem clausit extremum* 177
Datur nobis intelligi 178
The same Writ *aliter* fol. 286. a
Of a Mandamus 179
A Note where a *diem clausit extremum* shall be had, and where not 180
Of Commissions after the death of the Qu. tenant 181
Quæ plura 182
Melius inquirendum 183
A Writ *de ætate probanda* 184
The same writ *aliter* fol. 289. b
A Commission *pro ætate probanda* f. 289. b
A *Venire facias* to the Sherife upon the same Commission fo. 290. a
Of homage done respited *ibid.*
A *diem clausit extremum post mortem felonis* fol. 290. b.

Pleadings in the Court of Exchequer.

AN Information against Intrudors into the Kings lands unlawfully Sect. 1.
An Information against wasters and spoylers of the Kings game 2
A bill exhibited by a Collector against two persons that confederated to defraud the plaintife 3
A bill against such as goe about to frustrate the Kings letters Patents, and to preiudice his title 4
An answer to a bill of complaint 5
An answer by three defendants suppos'd by the plaintifes bill to have no title in the lands mentioned, which answer was taken by Commissioners and returned 6
An answer of an Undersherife to a bill exhibited against him and others, for deceitfull dealing in his office 7
An answer to a bill, wherein the plaintife suggesteth, that the defendant oweth service to the plaintifes mill 8
An answer to an information, pretending, the def. mannor is liable for a debt due to the King 9
A demurrer and answer by the def. that the pl' hath not enabled himselfe to sue in this Court 10

A demurrer and answer to a bill, wherein the def. are charged with uniust exactions by fees taken of Clothiers 11
A Replication, whereby the plaintife maintaineth his bill against the def. for dissuading the tenants from doing their services to their Lord 12
A Replication, that the defen. hath broken part of the plaintifes soyle, &c. 13
A reioinder wherin the def. denie the withholding of any gleab lands, &c. 14
A Reioinder wherein the defen. pleadeth to be discharged of a debt, alleging that hee is executor to the husband of an Executrix, &c. 15
An Information into the Exchequer for the viewing of unlawfull payments and allowances 16
A patent granted to one to be an Informer 17

Pleadings in the Court of Wards and Liveries.

A Bill to be signed for the double value of a Wards marriage Sect. 1.
A petition fol. 311. b
An Inquisition to find a Lunatike 2
The draught of Master W. C. his pardon for the marriage of the ladie R. before her Maiesties pleasure and consent was declared 3
A Plea of travers under the great Seale of England 4
A bill or petition for the defaulking of a rent issuing out of the Wards lands, and not found by office out of the lease, &c. 5
Iniunction to stay a suit commenced in the Spirituall Court for tithes 6
An Inquisition, whereby a conveyance is found fraudulent 7
A Commission to enquire of a fraudulent conveyance 8
An Inquisition upon a devenet after the death of an heire within age, and in Ward 8
An answer to a bill of complaint. fo. 323
An Information against one for altering & rasing the name of a defendant 9
A petition to the Master of the Wards, for the wardship of the bodie and lands, &c. fol. 324
A bill to pray licence for traverse 10
An information for the value of the marriage of a Ward, married after the fathers death 11
An Information for the title of an advowson of a Wards lands 12
An Information for the reliefe of an Administrator of the ancestor of the Qu. Wards 14
An Information for detaining of evidences, and concealing the tenure of the lands of a supposed Ward 15
An Information against certaine persons for unlawfull intruding upon a supposed Wards lands, &c. 16
A bill for the deliverie of a release, and other evidences into the court to preserve the inheritance of the heire 17
A supplication not to have the body of a Ward disturbed untill the truth of the office may be examined 18
An iniunction to avoid possession upon a lease 19
An Iniunction to stay from cutting downe of woods 20
The like *alias* fol. 331. a
A bill for an Iniunction to avoid from land found by office 21
A bill of Complaint for an Iniunction to stay a suit at the Common law 22
A bill of petition into the Court of Wards for the continuance of the tener of Liverie 23
A Letter to a Noble man to appeare and answer to a bil in the court of Wards, &c. 24
An Information against an officer at armes for pulling downe & defacing the Coat-Armor, &c. remaining in a Cathedrall Church belonging to the father of a Ward, &c. 25
A demurrer wherein the def. is charged for money that he had paid upon a bargaine of wood which the plaintifes suppose to belong to a Ward, &c. 26
A reioinder to a replication 27

Pleadings in the Star-Chamber.

THe dignity of the high Court of Starre-Chamber fol. 537

THE TABLE.

A bill of petition for a Subpœna out of the Star-Chamber, exhibited by Sir I. T. against Iustice T. as well for divers Riots committed by his servants, as also for breaking his oath, &c. in which is recited the oath of a Iustice of the common lawyer, and his dutie Sect. 1

A bill into the Starre-Chamber for a Riot 2

A bill for forgerie of obligations 3

A bill where the partie by forcible entry is put out of possession, beaten, and his corne carried away riotously 4

An Information against a Vicar for periury 5

A bill exhibited by the Quenes high Almoner, for detaining of such goods as were forf. to her Maiestie 6

A bill against Rioters fol. 345. b

The answer of a def. pleading not guiltie being charged with Reiouse, conspiracy, &c. 7

A demurrer and answer, wherein the def. alleageth, that the plaintife pretendeth to put the def. in ieopardie of losing his life for beating and wounding the Complainant, according to the bill exhibited 8

The forme of a Replication to severall answers 9

A replication maintaining, That the def. have committed maintenance, periurie, &c. 10

The forme of a Reioinder 11

A bill against Riotors 12

The forme of a bill into the Court of Requests fol. 349. b.

Words of course in an answer to a bill of Complaint fol. 350 a

Words of course in a reioinder fol. 350 b

FINIS.

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